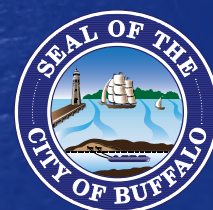


# THE BUFFALO REFORM AGENDA

EXECUTIVE ORDER 203

THE NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE  
4.1.21 | RESPECTFULLY SUBMITTED BY THE CITY OF BUFFALO





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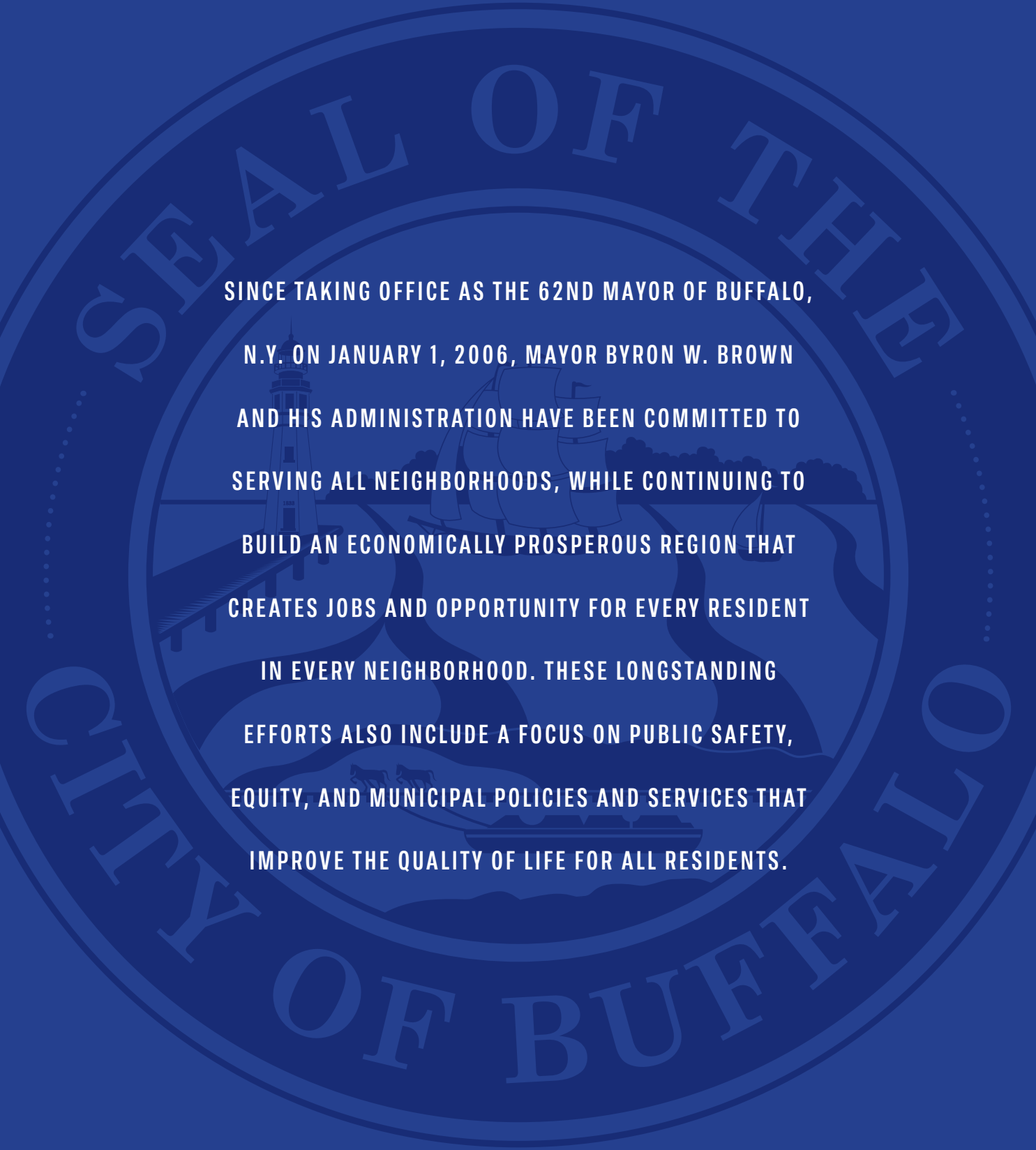
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The background of the page features a large, faint, circular seal of the City of Buffalo. The seal contains a lighthouse on the left, a large sailing ship in the center, and a smaller boat with figures on the right. The words "SEAL OF THE" are at the top and "CITY OF BUFFALO" are at the bottom of the seal.

SINCE TAKING OFFICE AS THE 62ND MAYOR OF BUFFALO,  
N.Y. ON JANUARY 1, 2006, MAYOR BYRON W. BROWN  
AND HIS ADMINISTRATION HAVE BEEN COMMITTED TO  
SERVING ALL NEIGHBORHOODS, WHILE CONTINUING TO  
BUILD AN ECONOMICALLY PROSPEROUS REGION THAT  
CREATES JOBS AND OPPORTUNITY FOR EVERY RESIDENT  
IN EVERY NEIGHBORHOOD. THESE LONGSTANDING  
EFFORTS ALSO INCLUDE A FOCUS ON PUBLIC SAFETY,  
EQUITY, AND MUNICIPAL POLICIES AND SERVICES THAT  
IMPROVE THE QUALITY OF LIFE FOR ALL RESIDENTS.

## EXECUTIVE ORDER 203

# THE NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

**On June 12, 2020, Governor Andrew Cuomo issued Executive Order #203, requiring each local government in the State to adopt a policing reform plan by April 1, 2021.**

Mayor Byron W. Brown, working with the Buffalo Common Council, convened the Commission to Recommend Police Policy and Advance Social Reconstruction (Commission) in September 2020 to examine current police practices, improve the delivery of police services, eliminate issues of police misconduct and mitigate violent crime that disproportionately occurs in the Black community and other communities of color in order to make Buffalo a safer and more equitable city.

In addition to fulfilling the mandates on police reform, the Mayor's stated goals included the Commission's continuing work with a focus on improving the lives of every resident in the City of Buffalo as the driving force behind the "social reconstruction" work which must be undertaken to eliminate the fundamental causes which connect the societal challenges of racial injustice, economic inequality and inequities within the criminal justice system.

The Commission was designed to represent the varied and diverse interests across the City of Buffalo. The City of Buffalo, the Buffalo Police Department and other stakeholders throughout the City work to advance policies and practices that will keep residents, businesses and property safe from criminal behavior while at the same time ending racial bias within the criminal justice system.

Adhering to the guidance issued by the New York State Police Reform and Reinvention Collaborative in August 2020, and the additional guidance offered by Mayor Brown, the Commission was charged with presenting recommendations on improving policing and advancing social reconstruction in our community by:

- Examining current police practices and recommending additional policies for implementation by the Buffalo Police Department.
  - This review included a focus on the training of new police officers, additional training for veteran police officers and an analysis of policies that complement the work of the Buffalo Reform Agenda and other City of Buffalo police reform initiatives.
- Developing recommendations to enable police to better fulfill their responsibilities to protect the safety of the public and meet the needs of City of Buffalo residents, businesses and visitors with respect and professionalism.
- Continuing social reconstruction dialogue with the goal of developing and recommending additional policies and actions that the City of Buffalo and other public and private institutions can take to improve the lives of City residents by reducing economic and social inequality in the Black community and other communities of color.

Members of the Commission included two Members of the Buffalo Common Council, as well as representatives from academia, civil rights and social justice community activists, former members of law enforcement, leaders in the labor movement, faith community leaders, officers of the court and other government representatives. Representatives from the Erie County District Attorney's Office and the Legal Aid Bureau of Buffalo served on the Commission as consultants, and it was facilitated by the Chief Diversity Officer of the City of Buffalo.



## INTRODUCING THE MEMBERS OF

# THE COMMISSION TO RECOMMEND POLICE POLICY AND ADVANCE SOCIAL RECONSTRUCTION

The Commission met six times, beginning in November 2020. During the meetings, members were provided overviews of the current Buffalo Police Department's policies and procedures, the Buffalo Reform Agenda, background on best practices and other studies, and social reconstruction initiatives and ideas. These included efforts toward enhancing levels of community engagement, recent policy changes, housing initiatives and amnesty programs. Based on this discussion, the Commission developed a draft set of recommendations to present to Mayor Brown.

The recommendations presented by the Commission represent thoughtful dialogue and discussion regarding current and historic police practices and policies that impact the community. They are detailed in this report and were submitted for review and comment by the community. Input from across the City of Buffalo will be vital to the continuing success of the reform process.

- **Honorable David Rivera**  
Majority Leader of Buffalo Common Council
- **Honorable Mitch Nowakowski**  
Buffalo Common Council Member
- **Leslie Bishop**  
Citizen Action of New York
- **Angela Blue**  
NAACP and Western New York Area Labor Federation
- **Lucy Candelario**  
The Belle Community Center
- **Michael McCabe**  
Former Assistant U.S. Attorney
- **Elton Mitchell**  
Retired New York State Police Trooper
- **Christian Parra**  
Free the People WNY Coalition
- **Brian Patterson**  
Clinical Assistant Professor of Criminal Justice at Medaille College and Retired Buffalo Police Department Chief
- **Rev. Rachelle Robinson**  
The Concerned Clergy Coalition of WNY
- **John Torrey, Ph.D.**  
Professor at Buffalo State College
- **Rebecca Town**  
Staff Attorney, Legal Aid Bureau of Buffalo, Inc. (Consultant)
- **Michael Keane**  
First Deputy Erie County District Attorney (Consultant)
- **Shatorah Donovan MSW, Esq.**  
City of Buffalo Chief Diversity Officer (Ex-Officio Member)

# ABOUT THE CITY OF BUFFALO POLICE DEPARTMENT

## OUR MISSION

The mission of the Buffalo Police Department is to serve and protect our residents and visitors; uphold the law with integrity, respect, and professionalism while preserving the rights and dignity of all; and maintaining peace by providing for the safety and security of the community. To be successful in our mission, the values that must be ever-present and the basis for all our actions include: integrity, respect, professionalism, and excellence.

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## OUR VALUES

### RESPECT

We recognize that our greatest asset is the consistent display of dignity and respect by our Members at all times. Our dedicated service requires courtesy, compassion, ethical conduct, an appreciation for the ethnic and cultural diversity of the City of Buffalo, and a commitment to respecting the humanity of every individual.

### INTEGRITY

It is our duty to uphold the principles embodied in the Constitution. We are governed by and uphold federal, state and local laws. We are honest and truthful in our interactions within the Department and in the community we serve.

### EXCELLENCE

Our commitment to excellence in service is unwavering. We are dedicated to the protection of our community, life and property, while safeguarding the rights of all individuals. Our dedication to duty requires courage, intelligence, efficiency and sincerity. Above all, we are committed to the safety and security of the community we serve.

### PROFESSIONALISM

We are leaders who are constantly striving for personal and professional growth. We work with all City Departments, our civilian employees, our management, all of our Members and other law enforcement agencies as a trusted source of help and support, working to solve and prevent crime and respond to emergencies.



## LETTER FROM POLICE COMMISSIONER

# BYRON C. LOCKWOOD

Since I was very young, I wanted to be a police officer. I lived in a majority-Black public housing project in downtown Buffalo for almost 20 years and witnessed many police interactions in my neighborhood. I saw the way police from outside my community treated my friends and neighbors.

Growing up in the '60s and '70s it was normal for police officers to come into our housing complex making monkey noises. I even witnessed officers beat defenseless young men and abandon them in the hallway. The way police behaved when they came into our neighborhood felt like it was a sport to them. The looming feeling of dread that descended on all of us when we heard the monkey noises is a feeling I will never forget.

Remembering that feeling strengthened my resolve to become a police officer 37 years ago. I recognized how important police can be to a community and I wanted my neighbors and friends to experience a different kind of policing. When I took my oath as a Buffalo police officer I decided that no matter what, I would be an example of how to treat everyone in our City with dignity and respect.

I am no stranger to speaking out against police misconduct in the Police Department. In the 1990s, as the President of the Afro American Police Association (AAPA), I held a press conference on the steps of City Hall to speak out against misconduct I saw among my peers. That press conference did not make me popular within the ranks or with union leaders. Regardless, I stuck to my resolve and used my position in the AAPA to partner with groups like the Buffalo Fire Department's Men of Color Helping All (MOCHA), the Minority Bar Association and the Buffalo Chapter of the Association of Black Social Workers.

I didn't intend to become the leader of the Buffalo Police Department when I joined the ranks, but my

compassion for the community, determination in the face of adversity and willingness to make difficult decisions led me to this honored position. As the leader of the Department, I know that the overwhelming majority of my officers are good people. A lot of the officers use their own money to give back to children in the neighborhood or even buy food for hungry residents. Those selfless acts, however, are often overshadowed by the bad actions of the very few among us.

As Commissioner, I realize it is not as simple as holding a press conference to make a change within the Department anymore. Issues that require immediate action, like police misconduct and systemic racism have been developing for generations, and we will not eradicate them overnight. The changes that the community and I want to see require State action and contractual negotiations that take time and continued work behind the scenes. Despite limits to my powers, my resolve remains the same. I will always put the community first.

Prior to the COVID-19 pandemic, every month I took my office to the streets of high-crime neighborhoods where I held all of my meetings in the community. "Taking it to the Streets" was also my opportunity to personally meet with residents from the neighborhoods with the most police presence so I could hear directly from them.

Working closely with Mayor Brown I constantly challenge my team to find ways to improve community relations within the Department and I am listening more intently than ever. I will never forget the police misconduct I witnessed as a youth; it's one of those things that just sticks with you forever.

It is the mission of the Buffalo Police Department to serve and protect our residents and visitors; uphold the law with integrity, respect, and professionalism while preserving the rights and dignity of all; and maintaining peace by providing for the safety and security of the community. Together, by listening to the needs and concerns of Buffalo's residents, we will uphold the values and mission of the Buffalo Police Department and usher in a new era of policing for our City.

**Commissioner Byron C. Lockwood**  
Buffalo Police Department



# CITY OF BUFFALO POLICE DEPARTMENT

## BUDGETARY OVERVIEW

The City of Buffalo Police Department is comprised of approximately 780 sworn public safety personnel and approximately 200 civilians for a total of 980 members. The total Police Operating Budget is approximately \$86 million, and this represents 16.5% of the total City operating budget. In addition to the Police Commissioner and his two Deputy Commissioners, there are:

TITLE	MEMBERS
DETECTIVES	102
DETECTIVE SERGEANTS	13
POLICE CAPTAINS	20
POLICE CHIEFS	7
POLICE INSPECTORS	2
POLICE LIEUTENANTS	95
POLICE OFFICERS	556

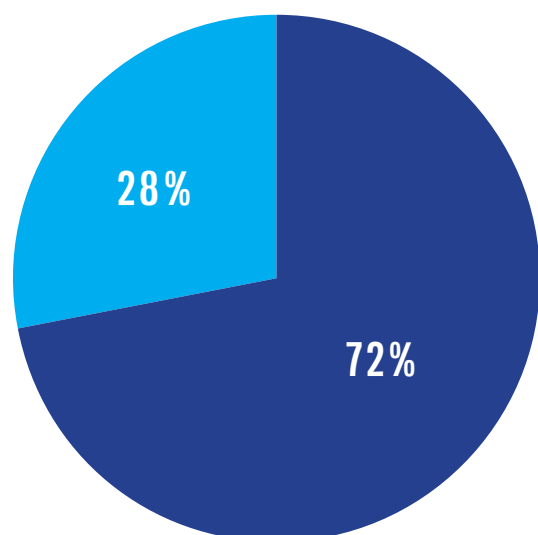
The total personnel operating budget for the Department in the 2020-2021 Enacted Budget is \$54 million. The total combined personnel costs of the Department, which include both the base salaries and projected overtime costs is approximately \$62 million.

In addition to the Department's operating budget, a portion of the City's Capital Budget has been allocated for the purchase of vehicles and maintenance of various public safety facilities. In the 2021 Approved Capital Budget, approximately \$267,000 was allocated for repairs and maintenance to public safety buildings and \$811,000 was allocated for the purchase of new police vehicles. This amounted to approximately 2.1% of the City's total capital budget.

Legacy pension costs for retired police officers, which are constitutionally required as a result of previous contracts and cannot be altered, increase the City's total expenditure but should not be counted as these costs do not impact the operational costs incurred by the Department.

The Department is organizationally divided into five police districts spread throughout the City. Each district is responsible for a zone of operations, though officers are not restricted to operating within their assigned district if the need arises.

### ANNUAL BREAKDOWN OF POLICE OPERATING COSTS 2020-21



- Sworn Officer Personnel Costs
- Other Operating Costs

# BUFFALO POLICE DEPARTMENT

## SPECIALIZED UNITS

In addition to the five-district division of the Department, there are specialized units responsible for specific types of needs. In 2020, the Traffic Enforcement Detail was eliminated and two new specialized groups, the Behavioral Health Team and the Public Protection Detail were created. The Investigative Services specialized units include: the Gun Violence Unit, the Crime Scene Unit, Homicide, Narcotics, Vice, the Special Victims Unit, the Casino Unit and the Intelligence Unit.

### ACCIDENT INVESTIGATION UNIT

The primary function of the Accident Investigation Unit is to investigate traffic incidents involving fatalities, serious physical injuries, city involved accidents and drug/alcohol traffic related arrests. The activities of the unit include computerized documentation and measurements at accident scenes, conducting on scene and follow-up investigations that involve the use of forensic downloads of vehicles, preparing reports and taking proper enforcement action relative to such incidents.

### BEHAVIORAL HEALTH TEAM

The Behavioral Health Team (BHT) is a unit composed of specially trained officers partnered with qualified mental health professionals (BHT clinicians). This is a co-responder program and their primary function is to respond to incidents involving individuals with mental illness, co-occurring mental illness and substance abuse, and co-occurring intellectual and developmental disabilities and mental illness.

### CHIEF OF DETECTIVES

The Chief of Detectives is responsible for the operation of the Detective Bureau and reports directly to the Commissioner of Police.

### CRIME SCENE UNIT

It is the policy of the Buffalo Police Department to collect all available evidence and to handle and process these items in a manner that ensures their evidentiary value. To do so, all members follow the procedures of this Memorandum of Procedure (M.O.P.) This also includes the use of photography by the crime scene photography unit.

### DETECTIVES DIVISION PERSONNEL

It is the policy of the Buffalo Police Department to use members assigned to the rank of Detective and Detective Sergeant to conduct follow-up investigations of crimes reported to the Department and to carry out investigative functions associated with on-going criminal activity (i.e., vice, narcotics, public morals, etc.). Follow-up investigations of specified traffic related incidents shall be conducted by the Accident Investigation Unit.

### DISTRICT CHIEFS

District Chiefs are the Commanding Officers of their respective Patrol Districts. They have the responsibility in their assigned Districts for the enforcement of the law, the efficiency and discipline of Department members under their command, and the compliance with the rules and orders of the Department.

They exercise command authority and supervision over their assigned District and are responsible for all Department equipment and property assigned to their command. They

ensure that all reports are forwarded in a timely manner as directed by their superior officers and all other duties as assigned by the Commissioner of Police.

### HOMICIDE SQUAD

The Homicide Squad is the lead investigative division for unattended deaths, suicides, industrial accidents and homicides in the City of Buffalo. It is the policy of the Buffalo Police Department to thoroughly investigate all possible criminal activity that results in death or serious physical injury to any person. This includes the identification and processing of all potential evidence. The Homicide Squad shall be responsible for investigating all criminal cases resulting in death and criminal cases involving serious physical injuries that may result in death. It is the duty of all members of the Department to cooperate with members of the Homicide Squad.

### INTERNAL AFFAIRS DIVISION AND COMMANDING OFFICER

The Internal Affairs Division is empowered by the Police Commissioner and is charged with the responsibility to monitor and maintain members' compliance with Departmental rules. The Commanding Officer of the Internal Affairs Division or his or her designee may sign out evidence for the purpose of conducting internal investigations.

### NARCOTICS DIVISION

The Narcotics Division is responsible for the investigation of illegal drug trafficking throughout the City of Buffalo and the arrest and conviction of those persons possessing and dealing in illicit drugs. It is the policy of the Buffalo Police Department that even though investigations of illicit drugs are to be conducted by Narcotics and Vice Enforcement, other sworn members are not relieved of their obligation to enforce laws relating to drugs.

### SPECIAL VICTIMS UNIT (SVU)

The Buffalo Police Special Victims Unit is responsible for the investigation of sexual offenses, domestic abuse, child abuse and missing persons. It is the policy of the Buffalo Police Department to thoroughly investigate all incidents involving sex offenses and to identify and process all evidence that might have an impact on such cases. The investigation of sex offenses will be conducted by the Special Victims Unit and it is the duty of all members of the Department to fully cooperate with members of this unit.

Additionally, the following teams are housed within the Commissioner's Office and work across all five districts and with the Investigative Services on an as needed basis. These include Special Projects, Staff Inspections, Crisis Intervention, and Community Relations.

# WHAT THE COMMISSION TO RECOMMEND POLICE POLICY AND ADVANCE SOCIAL RECONSTRUCTION CONSIDERED

The Commission was charged with imagining a community-driven plan to achieve swift and positive change within the City of Buffalo. In order to do that effectively, a review of the recent history of the Department, as well as a timeline summarizing the solutions and the social programs that have been proven over the years to have a positive impact on community-police relations was completed. The Commission recognized that community-focused policing yields safer neighborhoods and better outcomes.

The Commission reviewed the history of some of the most historic decisions, initiatives and reforms that have impacted the Buffalo Police Department over the last few decades. By reviewing these reforms and their historical context, the Commission began their work with a complete understanding of how and why policing is conducted—and has changed—in the City of Buffalo.

## ELIMINATING DISCRIMINATORY PRACTICES

In 1973, the NAACP and United States Government filed suit against the City of Buffalo for discrimination in police patrol hiring. The suit claimed that the disproportionately low percentage of Black males, Black females, Latinos or “Spanish-surname Americans” and women employed by the Buffalo Police Department as uniformed officers and non-uniformed personnel was due to a racially disproportionate impact of written civil-service examinations, absolute height requirements and sex discrimination, as well as a refusal by the Buffalo Police Benevolent Association to file grievances for Black officers, among other civil rights violations.

A 1978 Federal Court decision found the City of Buffalo liable regarding discriminatory hiring practices on the grounds of race and gender, especially against racial minorities. As a result of the decision, the Court and the City of Buffalo entered into a consent decree, requiring the City to undertake a variety of remedial measures.

When Mayor Brown first took office in 2006, the City was still involved in active litigation with the United States Government, which was claiming that it had not yet fully complied with the requirements of the consent decree despite efforts of prior administrations.

The Brown Administration decided to build on the actions that had already been taken in a manner that resulted in the following changes:

- The elimination of the 60-college credit hour requirement, which was shown to disadvantage otherwise fully-qualified minority candidates.
- Through scientifically valid testing, the City ensured the full compliance with the consent decree at every level of hiring and promotion while also removing racially-biased results from the testing.
- The Brown Administration finally and fully negotiated a residency requirement which the Department of Justice claimed was necessary to fully address the discriminatory impact of State law. The first-ever negotiated residency requirement in the Buffalo Police Department went further than the consent decree to ensure the elimination in discriminatory hiring practices.
- Subsequently, Mayor Brown appointed the first two Black Commissioners of the Buffalo Police Department.



# A HISTORICAL OVERVIEW OF SIGNIFICANT REFORM

## LANGUAGE LINE (OVER-THE-PHONE INTERPRETATION SERVICES)

The Language Line direct access service was introduced to the Buffalo Police Department in 1998 through the Erie County 911 system, which enabled limited English speaking callers to speak with interpreters in their preferred language. The City of Buffalo has utilized the Language Line service for more than 25 years. This service operates for all callers seven days a week, 24 hours a day.

## COMMISSION ON CITIZEN RIGHTS AND COMMUNITY RELATIONS

On May 30, 2000, the first appointments were made to the Commission on Citizen Rights and Community Relations (CCRRCR). The mission of the City of Buffalo CCRRCR is to eliminate prejudice, intolerance, bigotry and discrimination; to encourage equality of treatment and prevent discrimination against persons based upon race, ethnic background, cultural background, language, religion, gender, sexual orientation, gender identity and expression, disability, nationality or age; and to ensure respect for the civil liberties of all citizens.

During the Brown Administration, access to the Commission was expanded through a directive that increased the number of ways residents could choose to make confidential complaints against Buffalo police officers.

## SNUG

An evidence-based violence reduction initiative established by New York State was implemented in the City of Buffalo in 2009. The SNUG program seeks to engage high-risk individuals who are committing acts of violence in communities with high violent crime rates by addressing the issues that may be at the root cause of such violence and to engage the community on the spread of such violence. SNUG seeks to modify an existing norm of community acceptance of violent behavior from its citizens, by first engaging community residents, businesses and community-based organizations, and then implementing coordinated strategies to reduce and prevent gun violence. The program employs and relies on Street Outreach Workers, who live in the communities in which

they serve, to act as - and be viewed as - credible messengers by persons who are at high risk of perpetrating or being victimized by gun violence.

## BUFFALO PEACEMAKERS

The mission of the Buffalo Peacemakers Youth Violence and Gang Intervention Program, which was implemented in 2014, is to proactively intervene in the cycle of violence in the lives of gang-involved or at-risk youth. The Peacemakers work in neighborhoods all over the City of Buffalo. The at-risk youth mentored by the Peacemakers are 75% male and 95% Black or youth of color.

The Peacemakers mentor and redirect youth toward healthy lifestyles. They work to build relationships, gather information and mediate gang conflicts to prevent violence. Additionally, the Peacemakers respond to violent assaults and shootings while working in concert with law enforcement officials to build safe neighborhoods in the City of Buffalo. Following acts of violence, the Peacemakers work with victims and their families to offer grief counseling and to prevent retaliatory behavior. When the Buffalo Public Schools offer in-person classes, they run a Safe Passage program to enable hundreds of youth from different schools, neighborhoods and gang territories to safely mix with each other on their way home from school.

Additionally, the Buffalo Peacemakers actively train and engage citizens to practice non-violent intervention techniques. The Peacemakers provide a peaceful presence at many community special events, as well as sometimes tense demonstrations. They serve as a liaison, helping neighborhood citizens and the Buffalo police work together to create safe conditions and to cooperate in crime solving. They also partner across the country with advocacy organizations to change laws which enable the flow of cheap guns that flood Buffalo neighborhoods from Ohio and Pennsylvania.



Since they were established, the Peacemakers have assisted with 43 gang-related homicides and 112 acts of violence. Throughout the pandemic, the efforts of the Peacemakers have proven even more critical. When coronavirus struck, all City schools were closed, unemployment rose and people were forced to stay at home in a manner not seen since the 1918 Spanish Influenza pandemic. The pressure of both the economic and physical insecurity were related to a sharp uptick in shootings, not only in Buffalo, but in cities across the nation. Despite these challenges, the Peacemakers have continued to work in the community to make a difference and foster a safe environment.

### **NYS GUN INVOLVED VIOLENCE ELIMINATION INITIATIVE (GIVE)**

To participate in GIVE, the Buffalo Police Department was required to design a gun violence reduction plan that employs at least two of the following evidence-based strategies: hot-spot policing, focused deterrence, street outreach and crime prevention through environmental design. BPD also integrated procedural justice into their plan in an effort to foster trust and respect among individuals and communities with the law enforcement professionals who serve and protect them.

### **BPD21C**

In 2015, Mayor Byron Brown created a pilot program for revolutionizing community-based policing utilizing a multitude of resources to recruit and educate a diverse, talented group of future police officers who better reflect the demographics of the City of Buffalo. The "Buffalo Police Department: 21st Century (BPD21C) Police Pre-Employment Scholarship Program" was an innovative, "first of its kind" program in the nation, designed to provide scholarship opportunities for City residents who wanted to pursue a career in law enforcement.

To apply for a BPD21C scholarship, City of Buffalo residents were required to complete and submit applications to the City's Department of Human Resources. There were no fees for application or participation in this program. Complete application packets were available at City Hall, at each District Police Station, at recruiting events throughout the City and downloadable from the City's website, or by sending a self-addressed, stamped envelope to the Human Resources Department.

The written assessment was administered after Preparation Guides for the Screening were distributed and preparatory classes were offered to all registrants at

the Buffalo Employment Training Center (BETC) and the Adult Learning Center. After the written assessment was scored, the top candidates were scheduled for physical agility tests, which were administered according to the standards set by the Municipal Police Training Council of NYS and scored according to their methodology. After meeting the physical requirements, candidates were scheduled for oral interviews, and upon the successful completion of all three of these components, and the verification that all of the qualifications had been met (U.S. citizenship, City of Buffalo residency, age 19-35, a clean driver's license, a criminal background check, and a high school diploma or equivalent), fifty City of Buffalo residents were selected for a full scholarship to the Erie County-Erie Community College Central Police Services Law Enforcement Training Academy, which is a full-time, 20-week commitment that requires candidates to attend the training academy at ECC North Campus.

In November 2016, the first group of BPD21C graduates received Buffalo Police badges at an induction ceremony after successfully completing Police Academy Training. The rigorous 6-month BPD21C training program positions incoming trainees to be better prepared for the police entrance exam and were therefore able to hit the streets faster and with more training than the traditional recruitment process. The BPD21C program also helped to promote diversity in the city's police force by providing opportunities to trainees that are more representative of Buffalo's demographics.

Scholarships included: full cost of tuition, uniforms and books. All candidates who successfully completed the program received 30 College Credits and a Certificate that deems them eligible for appointment as an officer in any peace or police department in New York State within two years from the date of graduation. Additionally, graduates acquired invaluable leadership training, life skills and readiness for careers in public safety and public service.

### **RETURNING CITIZEN POLICY AND PROGRAM**

Under Executive Order 16-01, Mayor Brown adopted the term "returning citizen" in place of "ex-offender" to eliminate the stigma of individuals who have been released from correctional facilities. In addition, the City of Buffalo adopted the "Ban the Box" law, prohibiting employers from inquiring into the criminal history of applicants on the initial screening. Additionally, the City has intentionally hired and assisted returning citizens in accessing education and training programs.

# BPD21C HIGHLIGHTS

**BPD21C was widely seen as a successful attempt at Police Reform in the City of Buffalo and a variety of community stakeholders had this to say about the program:**

Tom Cochran, CEO and Executive Director of The U.S. Conference of Mayors, said: "Earlier this year, the Conference of Mayors Working Group of Mayors and Police Chiefs issued a set of recommendations for strengthening police-community relations in America's cities. One of those recommendations calls on police departments 'to use non-traditional means to attract recruits who are representative of the diversity in the community.' Mayor Brown's Police Academy Scholarship Program, which emphasizes recruitment of minorities, women and new Americans, is just such an effort. We applaud Mayor Brown and the City of Buffalo for developing this initiative and look forward to being able to share information on it with other mayors and their cities."

"NYCOM is proud to have one of its member cities introduce such a unique and innovative police department recruitment program," said Peter A. Baynes, New York Conference of Mayors (NYCOM) Executive Director. "The importance of diversity in law enforcement cannot be emphasized enough and clearly Mayor Brown understands this. By introducing the BPD21C initiative, he is taking a bold step toward enhancing and improving police-community relations in the City of Buffalo. We hope that other local governments will be able to replicate what we believe will be an effective minority recruitment strategy."

"On behalf of the Executive Board, chapters and members of the National Organization of Black Law Enforcement Executives (NOBLE), we applaud and support the efforts of the City of Buffalo to further strengthen its Police Department by launching its 21st Century Police Academy Scholarship Program," stated Gregory A. Thomas, NOBLE National President.

Clotilde Perez-Bode Dedecker, President/CEO, Community Foundation for Greater Buffalo, stated, "I thank Mayor Byron Brown for launching this initiative, reinforcing that every sector of our community must continue to work toward fostering an inclusive workforce."

Donna C. Ross of The National Black Police Association stated, "Diversity in a police force increases the department's credibility with its community. Creating the BPD21C initiative is a significant achievement. We applauded Mayor Brown and the Buffalo Police Department on introducing this important initiative."

Duane Diggs, President of Voice Buffalo, said, "We want to commend Mayor Brown for launching this police academy scholarship program, a pro-active step that will transform the tapestry of what local law enforcement looks like. We believe BPD21C is going to be a significant force that will lead to an even stronger relationship between the community and police."

Eva Hassett, International Institute of Buffalo Executive Director, said, "Providing access to the Police Academy for the immigrant and refugee communities in Buffalo is vital to helping them trust police and feel safe. We applaud Mayor Brown for launching this initiative and the International Institute looks forward to working with Mayor Brown on BPD21C by identifying potential candidates for the police academy."

Lana D. Benatovich, President of NFJC of WNY, said, "Having just returned from the 2015 NFJC National Conference in Little Rock, Arkansas where I sat on a community-police relations panel, I'm so proud to be able to report back to our affiliates across the country about Mayor Brown's BPD21C initiative that will diversify law enforcement and further enhance community-police relations in Buffalo."



## RE-INTEGRATION SERVICES TO EMPLOYMENT PROGRAM

Executive Order 16-01 also created the Buffalo Employment and Training Center's Re-Integration Services to Employment (RISE) program. This was designed to focus on the individual success and growth that results from structured reintegration. RISE works directly with employers to ensure returning citizens receive as much support as possible during their transition.

## RAIDS INVOLVING DOGS POLICY

Due to a high number of narcotics raids that involved the shooting of dogs in structures being searched, the Buffalo Police Department in 2016 sought to adopt the best practices and training tactics to reduce/eliminate shooting of dogs. This training for narcotics detectives and SWAT members who conduct entries taught better entry practices, which coupled with the purchase of equipment that would be used to distract or stop dogs, including snares, made those entries safer for all involved. These new tactics proved very successful as dog shootings have become a very rare occurrence.

The Buffalo Police Reform Agenda of 2020 also included a ban on no-knock warrants, so the complete revamping of warrant procedures slows the process down and provides additional intelligence that better prepares personnel within the Police Department prior to entering a structure or home where dogs may be present. This will further reduce risk in situations where dogs may be encountered and will allow for planning for this in pre-raid briefings.

## CITIES UNITED

The City of Buffalo joined Cities United in 2017. Cities United is a national organization focused on best practices to improve public safety and reduce gun violence, and to create safe, healthy, and hopeful communities for Black men and boys and their families.

**"THIS IS WELL BEYOND ENFORCEMENT.  
IT'S SIGNIFICANT ENGAGEMENT WITH  
THE COMMUNITY."**

**– MAYOR BYRON W. BROWN**

## NEIGHBORHOOD ENGAGEMENT TEAM

Established in 2018, the Neighborhood Engagement Team (NET) is a team of police officers who engage with the community by going door-to-door and establishing relationships in neighborhoods with higher crime rates. The NET assists concerned residents with setting up neighborhood watch groups, and coordinates efforts across the Police Department and with community groups like Buffalo Peacemakers, SNUG and the Police Athletic League. The NET works closely with the Department of Citizen Services, which in turn provides the team a conduit for working closely with block clubs and active neighborhood residents.

NET officers' duties include:

- Identifying and improving quality of life concerns
- Foot and mobile patrols
- Gathering gang intelligence
- Utilizing "problem-oriented policing" strategies

## POLICE ADVISORY BOARD

On March 5, 2018, the Buffalo Common Council passed a resolution forming the Buffalo Police Advisory Board. This independent advisory committee is made up of Buffalo residents who are volunteers (consisting of attorneys, academics and community activists). The Board is tasked with holding regular community forums to discuss policing issues with residents and later submitting policy papers to the Common Council's Police Oversight Committee and the Buffalo Police Department about how policing and community-police relationships can be improved.

## CUSTOM NOTIFICATION PROGRAM

The commitment to community policing programs that are geared towards reducing gun violence in the City of Buffalo is demonstrated through the efforts of the Buffalo Police Department to regularly interact with at-risk individuals who are directly involved in gun violence, or who are susceptible to gun violence through family or friend connections.

Community police officers go to the homes of those individuals, not to conduct enforcement activities, but to develop relationships through positive conversation and interaction. This approach includes two objectives. The first is to inform individuals that police officers are aware of their activities and who they are involved with, which removes the curtain of anonymity. The second objective is to let these individuals know that police officers are available and willing to help. The police officers making these "notifications" offer access to

community-based resources and services, including information related to job opportunities and training, as well as assistance in furthering education. The educational component offers opportunities to enroll in academic programs, access instructional programs and tutoring, or further education through GED or other specialized/higher education opportunities.

These attempts are not always successful in making contact with the individuals directly but are very successful in making contact with family members. Police officers have those same discussions with family members, to make them aware of the potential dangers that their loved ones are facing. Police officers also make it clear that they are prepared to help and offer information about those same career or educational opportunities, and impress upon family members that police officers are looking to prevent them from becoming the next shooting victim. Family members are almost always very receptive and grateful for these visits by police officers. These visits represent a fundamental change in what experience or perception have caused people to expect when there are police officers at their door. Previously, typical visits by police officers have most likely involved some type of enforcement action. This process demonstrates that community police officers are trained and working for the immediate safety and future opportunity of those who are most at risk of gun violence. The core message is that these police officers want to keep at-risk individuals alive and on a path for success by building trust in the community and building bridges for change.

An enhanced Custom Notification Program led to a dramatic increase in the number of home visits. Police officers made 534 home visits where contact was made with the subjects of the notifications and another 103 times where contact was made with family or household member. Following these visits, only a small number (6 individuals) were shooting victims at some point after the notifications were made. Considering the probability that all of those visits were to households where there was a high probability that someone could be involved in a shooting, these interventions were indicative of a successful strategy which led to better outcomes. In 2019, there was a 24% reduction in shooting victims from the year before, and the lowest number of shooting victims in approximately 10 years. This is a direct result of a combination of community interactions that were spearheaded by the Buffalo Police Department, including Custom Notifications, activities of the Neighborhood Engagement Team and enhanced community-based policing at the District level.

In 2020, the limitations on activities and the necessity for social distancing as a result of the pandemic significantly decreased the number of positive interactions between police and the community. As of March 17, 2020, before the pandemic shifted standard operations, Buffalo Police Department Custom Notifications were three times higher than the same time period over 2019. It was not possible to make home visits or run any interactive community programs for the rest of the year, however. The increased level of gun violence in 2020 is undoubtedly linked to this lack of interaction, coupled with the cancellation of school, sports programs, job opportunities, etc. When positive community programming is reduced, violence increases.

**"ACCORDING TO UNOFFICIAL STATISTICS COMPILED BY THE ACTIVIST GROUP MAPPING POLICE VIOLENCE, ONLY THREE OF THE NATION'S 100 LARGEST DEPARTMENTS WENT WITHOUT A FATAL SHOOTING FROM 2013 THROUGH 2016. TWO WERE THE PEACEFUL SUBURBAN ENCLAVES OF IRVINE, CALIFORNIA, AND PLANO, TEXAS. THE THIRD WAS BUFFALO, A GRITTY METROPOLIS OF 260,000 THAT AVERAGES NEARLY 50 HOMICIDES A YEAR."**

**— CNN**

### **POLICE AND COMMUNITY TOGETHER (PACT/CITIZEN POLICE ACADEMY)**

PACT/Buffalo Citizen Police Academy is a free community education program established in 2019 and intended to build lasting relationships between program participants and the Buffalo Police Department, with the ultimate goal of reducing crime and achieving the best police service in every community. It is a unique opportunity for residents in the City of Buffalo, as this eight-week course meets at Buffalo Police Headquarters for instruction which is presented by subject matter experts and includes virtually every aspect of police work ranging from a study of the New York State Penal Law, demonstrations

of many different law enforcement tools (Canine Unit, SWAT, CMHT, URR, CIT, etc.), and hands on applications related to Basic Crime Prevention, as well as tours of BPD Vehicles and Community Policing Ride-A-Longs. Upon completion of the program, participants are recognized at a graduation ceremony and awarded a Certificate of Completion.

### **NEW GENDER IDENTITY AND EXPRESSION POLICY WITHIN THE BUFFALO POLICE DEPARTMENT**

A new gender identity policy was also drafted and adopted in 2019 for the Buffalo Police Department as a means to better serve the members of Buffalo's LGBTQ+ community and encourage greater diversity within the Buffalo Police Department's ranks. As part of the policy, an affirmative statement of the Department's commitment to diversity was reinforced, "The Buffalo Police Department believes that in order to effectively protect and serve the residents of the City of Buffalo, our employees should reflect the diversity of our City. We welcome employees of all ages, races, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, and ability." The new policy not only re-emphasized the Department's evolving commitment to advancing greater diversity, but also established norms to ensure every person is addressed by their preferred pronoun, use locker rooms and other facilities that correspond to their current gender identity, and that accommodations are made to protect their privacy and ability to perform their duties as they and the Department see fit.

### **CITY OF BUFFALO AND BUFFALO MUNICIPAL HOUSING AUTHORITY (BMHA) INTER-MUNICIPAL AGREEMENT**

The City of Buffalo and Buffalo Municipal Housing Authority (BMHA)'s Inter-Municipal Agreement was a mutually beneficial collaboration between these two entities. BMHA and its residents received a variety of City-provided services, improving their operational strength. This included enhanced support in the areas of garbage disposal, technology, payroll, diversity

training, Human Resources, environmental review and community-based policing. The City will receive \$2.13 million over a three-year period as compensation for the expanded provision of services, which includes the Buffalo Police Department (BPD) provision of three Community Police Officers (CPOs) who are dedicated to BMHA residents only. The three officers are working within Districts C, D and E, where the majority of BMHA properties are located. The Authority and BPD have worked in partnership to review data and problem-solve issues, with the goal of enhancing services to BMHA residents. The City's compensation for these officers includes salary, fringe and the cost of three vehicles.

### **SHOOT REVIEW**

The Buffalo Police Department Shoot Review is a program developed in 2020 where police and prosecutors meet on a weekly basis to analyze and discuss every shooting that occurred in the previous week. Facts of shooting investigations are disclosed, and an analysis of the events that have occurred is completed related to the investigation from the time of the initial police response through the follow-up. A further needs assessment is undertaken, and specific tasks are assigned to persons/agencies that require investigation over the next week.

This Shoot Review process ensures accountability. Meetings enhance agency coordination and productive utilization of resources, while eliminating duplication of efforts. Reviewing the facts of each case within a week of the shooting incident and discussing them in real time with prosecutors, both local and federal, as well as verification with lab personnel that they have the evidence they need for a complete analysis is vital for better and more complete investigations. A further analysis of every gun arrest made during the previous week, including those of previously convicted felons who are arrested with an illegal gun, is also completed as part of this process. Each case is reviewed by the Erie County District Attorney's office and the U.S. Attorney's office to determine who will proceed with the prosecution. The intent is to find the most successful



# THE BUFFALO POLICE DEPARTMENT INNOVATION & TRANSPARENCY

**The Commission undertook an analysis of the current policing action plan with guidance from Buffalo Police administration and management. This analysis highlighted the innovative approach that the Buffalo Police Department is committed to with the goal of modernizing the Department and keeping up with changes in the community, technology and data-driven best practices.**

## TRAINING AND ACCREDITATION

City of Buffalo Police Officers currently undergo 600 hours of training at the Buffalo Police Academy. The curriculum is designed to not only give candidates the tools to conduct a criminal investigation but also to perform their duties in a manner that is sensitive to the needs of the diverse constituencies and residents they will come into contact with on a daily basis. In addition to the training officers receive at the academy, there are a variety of specialized trainings or accreditations individual officers can receive. The training program is continuously evolving and is designed to incorporate new methods, techniques and problem-solving models. As cities across the nation have consistently relied on their police departments to respond to a growing number of social challenges, the training of officers has also expanded. This dynamic situation has posed new challenges to the Buffalo Police Department and greater community concern has been focused on how appropriate it is to have police officers respond to certain situations. However, until a new model of service delivery is developed, Buffalo police officers must have the skills necessary to respond in a way that is restorative, proportional and person-oriented.

As part of this ongoing process, the Buffalo Police Department obtained an accreditation certificate from the New York State Department of Criminal Justice Services (DCJS) in 2019. The accreditation process requires police departments to meet a set of competencies in four operational categories.

The categories are:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in the law enforcement agencies.

Meeting the standards in these areas is an objective way of assessing whether a department can meet the public safety needs of the community they are meant to serve. Within the operational categories, departments must demonstrate that they have the ability to implement changes within their Administrative functions, Training techniques, and day-to-day operations to achieve and maintain their accreditation. This has required the department's leadership to rethink every level of planning and implementation, a challenge that they have readily accepted.

Because of this commitment to embracing new techniques, new technologies and new approaches, the Buffalo Police Department has been able to respond quickly and effectively to new, innovative and dynamic police training opportunities. Some of the most important reforms in the training arena have focused on de-escalation techniques. The Buffalo Police Department's Use of Force policy mandates that officers should make every reasonable attempt to de-escalate a situation before the use of any force is considered. Training in this area reflects the variety of encounters officers may have, from responding to a call when a person is in mental or emotional distress to a disagreement between two or more residents that has the potential to become dangerous. Each of the circumstances officers may find themselves responding to may require them to employ a different set of techniques to successfully defuse, but those techniques must always be engaged with the goal of ensuring the safety of each individual involved with as little force necessary and minimizing the long-term negative consequences as much as possible.

Buffalo, along with 600 other police departments across the nation, has been employing Integrating, Communicating, Assessment, and Tactics or ICAT training as its primary de-escalation curriculum for individuals who are not armed or are armed with an object that is not typically used as a weapon and therefore poses a lesser threat. As situations develop, officers are trained to employ a "critical decision-making model" which encourages them to constantly

reassess the situation and adopt the tactics that are most appropriate and will have the greatest probability of resulting in a successful de-escalation.

Related to ICAT is the Crisis Intervention Training or CIT that every officer is now mandated to undergo. As part of the City's commitment to develop a more person-oriented response to calls involving individuals experiencing distress due to a mental or emotional health condition, each officer is now required to undergo CIT training. Officers who are part of the Behavioral Health Team (BHT) undergo even more intensive training and are called upon when an officer responding to call feels that this kind of response is warranted. A part of the CIT is to help officers identify those situations when a BHT response may be necessary.

De-escalation techniques are an evolving area of police training and it is imperative that the City pursue new opportunities to incorporate practices that are demonstrably more effective than the ones currently employed. In furtherance of that goal, the City of Buffalo is participating in the Active Bystandership for Law Enforcement (ABLE) training. This curriculum, designed by researchers at the Georgetown University School of Law, will help officers adopt policies, strategies and tactics that create and sustain a culture of peer intervention and sustained community engagement. By training officers to help hold each other accountable and demonstrate a consistency of attitude and disposition in the community, residents can feel a greater degree of confidence that when police respond to a situation, they will be taking every step to ensure a safe, just, and non-forceful resolution whenever possible.

This department-wide commitment to training and de-escalation will help foster an environment where technology-based, forward-looking and innovative solutions can replace the historically discriminatory tactics that residents too often associated with officers. This approach will also ensure that units and details with more specialized training in the use of force will not become the default option for scenarios that transcend the typical experience of a police officer.

## **TECHNOLOGY AND POLICY**

### **Body Worn Cameras**

In January 2019, the Buffalo Police Department required all uniformed officers to have body worn cameras. In March of 2018, the Buffalo Police Department implemented a pilot program in which approximately 30 patrol officers in B District wore the cameras for two

trial periods, each two months long, before cameras were deployed to the entire department. The Police Oversight Committee selected patrol officers because they interact with the community the most.

In September 2020, the Buffalo Police Department and the Police Benevolent Association (PBA) entered into a memorandum of agreement after the PBA challenged the body worn camera policy with the Public Employee Relations Board. The full agreement can be found as Appendix A.

### **City Cameras**

There are currently 270 cameras deployed in the City of Buffalo. Approximately 80-90 cameras are original to the camera system, which was installed in 2008. These cameras are no longer under warranty, and the manufacturer is no longer able to service these when they malfunction. Fortunately, a good maintenance plan has been in place and these cameras are still functioning. The need for renewed investment is essential, however, as newer models have better technology to produce clear imaging both day and night. When the allotted budget allows, older cameras are replaced with new cameras. To exchange an old camera head with new generally costs about \$3,500. A complete new installation of a camera can range from \$9,000 - \$13,000 at each site. Since City of Buffalo cameras play a vital role in crime prevention and crime solving, this is an investment that is recommended. The camera program has been instrumental in numerous arrests in homicide cases, and in furtherance of homicide and shooting investigations, as well as low level crime and accident investigations. Maintaining and expanding the camera program is in the interest of public safety.

### **License Plate Recognition**

The Buffalo Police Department deploys 49 fixed-mount License Plate Recognition (LPR) cameras strategically around the City of Buffalo in high crime areas. Location selections were dictated by grant funding criteria, where placement must be based on violent crime statistics. Additionally, the LPR system also includes mobile units mounted on police vehicles. These mobile cameras are used for a variety of purposes, including: locating subjects with warrants based on registrations on vehicles, stolen vehicle recoveries, suspended license plates, and crime scene intelligence gathering - where license plates may be collected at crime scenes for follow-up investigations. The Buffalo Police Department is in the process of purchasing 15 new LPRs that will be deployed this year. Additionally, there are two mobile Parking Enforcement vehicles. As these vehicles

travel throughout the City of Buffalo, the data that is gathered is stored in the system. The Division of Parking also utilizes features of the LPR platform for parking enforcement, verification of violations and location of scofflaw offenders. Sharing this data storage space provides a cost savings to City of Buffalo, as only one system is deployed across multiple departments.

### Safe Cam Program

Beginning in 2015, the Buffalo Police Department launched the Safe Cam initiative. The goal of the Buffalo SafeCam program is to promote public safety through a collaboration between the Buffalo Police Department and community residents and businesses. All registrants agree to the following terms and conditions:

- Any video material collected by the Buffalo Police Department related to criminal investigations can be used as evidence during any stage of a criminal proceeding.
- Video material provided to the Buffalo Police Department is reserved for official use.
- When necessary, the Buffalo Police Department will contact owners directly using the information they have provided to obtain video surveillance footage from their system.
- The Buffalo Police Department cannot access a camera system or view data without permission. This only provides the best contact information and a description of a specific system.
- Under no circumstances shall registrants construe they are acting as an agent or employee of the City of Buffalo and /or the Buffalo Police Department.
- Each participant will be assigned a Registrant ID number. This number should be referred to in any correspondence with the BPD.
- Owners agree not to release any video or picture images to media without consulting with the Buffalo Police Department.

### Power DMS Procurement (Jentz)

Power DMS is a web based, software application which allows for Policy Management, Accreditation Management and Training Management on one platform. The acquisition of and transition to this system is truly transformative in terms of policy, accreditation and training management, as well as effective internal and external communication. It is used by over 3,500 law enforcement agencies throughout the United States.

### SAFE CAM PROGRAM HIGHLIGHTS:

2021 YTD TOTAL NEW  
REGISTRATIONS: 153

2020 TOTAL NEW  
REGISTRATIONS: 56

CUMULATIVE TOTAL SINCE  
PROGRAM INCEPTION: 721

### Policy Management

Power DMS allows for the entire Buffalo Police Department Manual of Procedures, General Orders, Special Orders, Departmental Forms, Training Announcements, Training Bulletins and other important documents to be stored on a web-based platform, which can also be accessed via mobile devices on app, with robust search capabilities, thus making all of these announcements and documents more accessible. This allows for enhanced accountability in ensuring policy dissemination, with an electronic signature required for the issuance and receipt of policy changes. There is also an automatic archiving of old policies that have been in effect previously by date, and allows for a side-by-side comparison of new vs. old policies to see exactly what has been changed/updated, and very importantly, provides the ability to create "Public Facing Documents" which allows any document to be easily shared with the community on the website.

### Accreditation Management

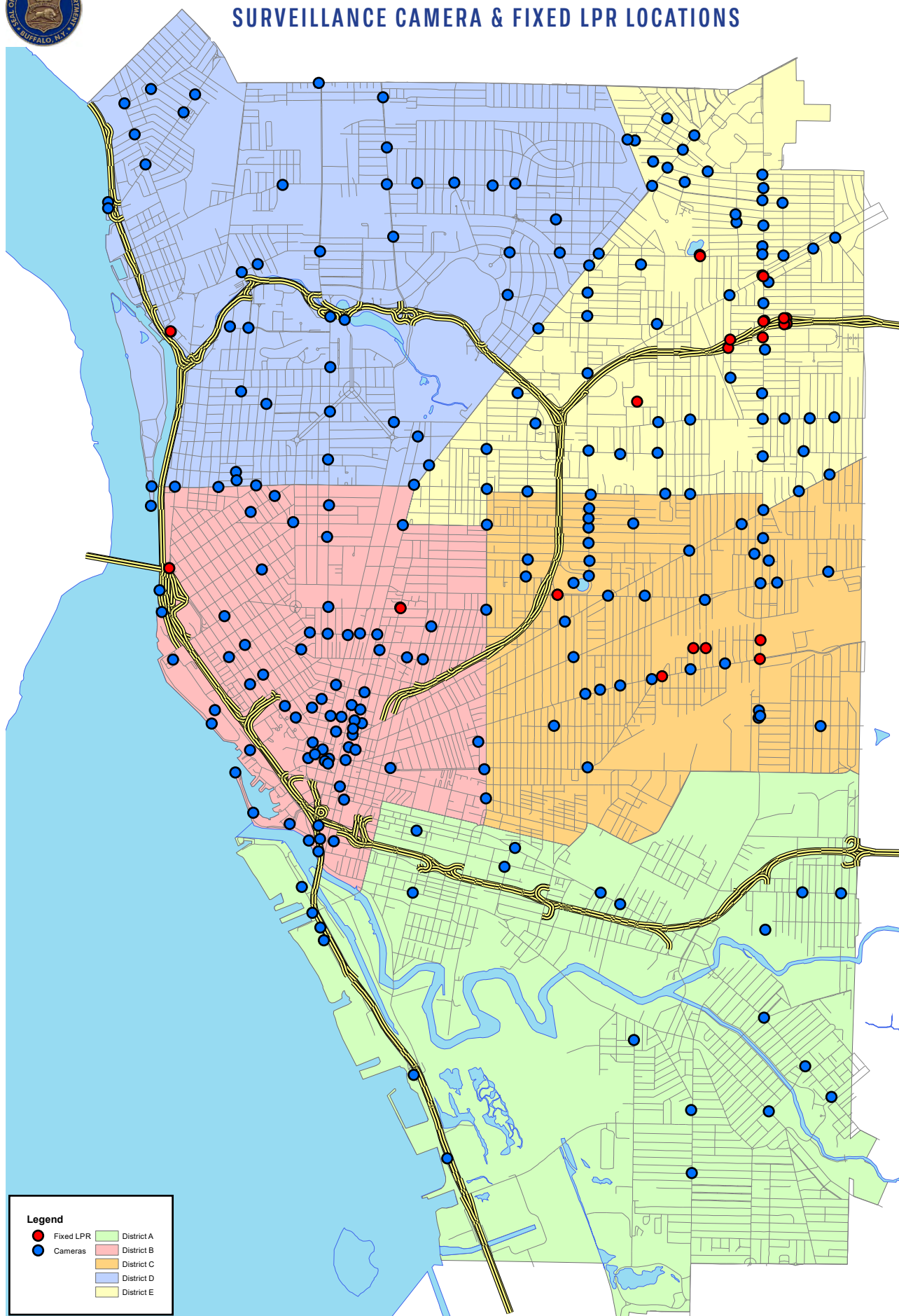
Power DMS allows for the application of Accreditation standards to documents/policies to establish, monitor and attest to compliance. This system will also automatically generate compliance alerts when policies or standards are changed so that managers can ensure compliance with these new guidelines. Compliance with standards is tracked directly through "proofs of compliance" assigned to specific individuals.

### Training Management

Power DMS will enable the creation, management and tracking of all online training records within the software and will create and award training certificates upon completion of training modules. The system will also attach policies to trainings to drive greater understanding and compliance, and will solicit feedback through internal surveys.



## BUFFALO POLICE DEPARTMENT SURVEILLANCE CAMERA & FIXED LPR LOCATIONS



### Legend

- Fixed LPR
- Cameras
- District A
- District B
- District C
- District D
- District E



## COMMUNITY PROGRAMMING

### Coffee with a Cop

The Buffalo Police Department and City of Buffalo partner with coffee shops to strengthen the community through the Coffee with a Cop program. Coffee with a Cop brings community members together with the police to discuss concerns in a casual setting. Police leadership, including the Commissioner, Deputy Commissioners and District Chiefs attend this event to answer the concerns of the residents in every district. Residents who have attended this event in the past have simply wanted to get to know police leadership, ask questions about current events in policing or even thank members of the Department for mentoring family members.

### District Community Days

Annually, each of the five police districts hold Community Days. These events are hosted by the District Chiefs and are a family-friendly day where residents can enjoy food and games alongside the police in their district. The purpose of District Community Days is to connect with residents, expose children to police officers in a relaxed and social environment, and encourage individuals in the neighborhood to consider policing as a career.



### Girls Run the World: Young Women's Empowerment Day

Girls Run the World, presented by the Buffalo Police Department, brought together girls ages 9-17 along with community leaders, educators, police officers, fitness professionals and entertainers to encourage young women to pursue various careers, including law enforcement. Several dozen youth attended the inaugural event in 2019. This event will resume when COVID-19 protocols allow for gathering safely.

### Monthly Meetings with District Chiefs

Each month, District Chiefs hold open meetings with the community. These meetings allow residents to address their concerns directly with Police leadership.

### Taking it to the Streets Mobile Command Days

Each month, Commissioner Byron Lockwood chooses a high-crime neighborhood and conducts police business there for the day. During the day, any meetings he has takes place at the mobile command. The Taking it to the Streets initiative also gives the Commissioner the opportunity to meet with members of the community spontaneously, eliciting a genuine response from residents. This initiative was launched as part of an effort to build greater trust of police within the community, demonstrating that at the highest ranks, the Buffalo Police Department encourages community involvement in policing.

### The Police Athletic League PLAYSTREETS Initiative

During the summer of 2020, the Police Athletic League of Buffalo, Inc. (Buffalo PAL) launched a new program, called PLAYSTREETS. This program is modeled after the New York City PAL PLAYSTREETS Program, which has been in existence in New York City's Boroughs since the early 1900s. The goal of the PLAYSTREETS program is to offer at-risk youth the opportunity to stay healthy, physically fit and active all year round outdoors. The Buffalo PAL PLAYSTREETS program began in the summer of 2020 and operated through the fall and winter, and a spring session is planned. The Buffalo PAL PLAYSTREETS summer and fall sessions served over 700 co-ed youth in grades K-12 during the COVID-19 pandemic.

The PLAYSTREETS program is a mobile program in which the Buffalo PAL staff, coaches and police officers travel to designated neighborhoods to provide youth with socially distant safe sports sampling clinics and a healthy snack. This program also provides all

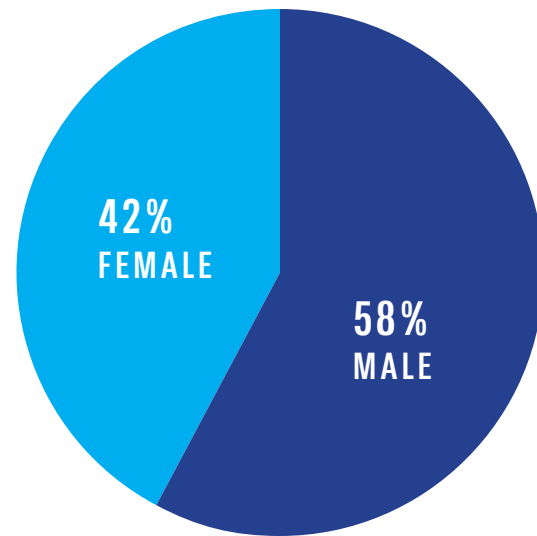
participants with sporting equipment and supplemental supplies; including PPE, masks, hand sanitizer, healthy (nut-free) snacks, bottles of water, beverages, wellness journals, t-shirts and opportunities to participate in PAL weekly fitness challenges that took place on [buffalopal.com](http://buffalopal.com), Facebook, Twitter, Instagram, and the Buffalo PAL YouTube Channel. All of these items are offered at no cost to the participants.

Buffalo PAL PLAYSTREETS is uniquely designed to eliminate the barrier of transportation and improve police community relations. Buffalo PAL coaches and police officers traveled to each location throughout the City of Buffalo. Neighborhoods are selected with the data provided by the City of Buffalo's division of Citizen Services and the Buffalo Police Department's high crime neighborhood designation reports. In working with additional partners, the Buffalo PAL PLAYSTREETS program was able to distribute additional materials that support positive social and emotional supports for youth and their families.

- Buffalo PAL PLAYSTREETS **served an unprecedented 729 youth** from the middle of July through the end of October.

- The staff, police officer and intern to youth ratio was **1:10**.
  - Youth interaction with members of the Buffalo Police Department were positive and helped to overcome stigmas and communication barriers through police engagement.

## BREAKDOWN BY GENDER



RACE	TOTAL #	TOTAL %
WHITE	182	25%
BLACK / AFRICAN AMERICAN	476	65%
ASIAN	15	2%
AMERICAN INDIAN	8	1%
PACIFIC ISLANDER	1	0%
AFRICAN AMERICAN & WHITE	9	%
OTHER	38	5%

## FUTURE FOCUSED:

# THE BUFFALO REFORM AGENDA

The Buffalo Reform Agenda was the systemic response implemented by Mayor Byron Brown in the aftermath of the murder of George Floyd. The Agenda reflected the concerns expressed by community activists, the acceleration of other reform initiatives that were in the planning phases and the “8 Can’t Wait” principles that other law enforcement agencies have embraced around the country and which have been shown to be extremely effective in reducing incidents of police violence.

The Buffalo Reform Agenda was designed to be a comprehensive, community-driven response to calls for police reform. On June 10, 2020, following weeks of productive meetings with a variety of stakeholders and community advocates, Mayor Brown formally announced the agenda. Joining the Mayor for the announcement were representatives from Free the People WNY Coalition and other community leaders. The announcement outlined a series of action steps the City could immediately take that would provide the framework for later policy changes and reforms. These action steps included:

- Increasing transparency in the Buffalo Police Department including policies for review of body camera footage
- Prominently posting police policies—including the Use of Force policy—on the City of Buffalo and Buffalo Police Department websites
- Incorporating the Law Enforcement Assisted Diversion (LEAD) program into the existing community engagement and policing activities
- Strengthening existing training programs that enhance officers’ de-escalation skills, incorporate trauma-informed policing methods and reinforce implicit bias training
- Convening a commission to examine the City of Buffalo’s police procedures for the purpose of making recommendations on how they may be amended to reflect restorative policing principles
- Supporting a “Duty to Intervene” law that reflected the “Duty to Intervene” policy already in the Buffalo Police Department’s Use of Force policy
- Issuing [Executive Order No. 2020-001](#) to stop arrests for low-level, non-violent offenses in the City of Buffalo and instead issue appearance tickets; explicit ban on chokeholds in the Buffalo Police Department’s Use of Force policy; and establishing a new Public Protection Unit.



## THE “8 CAN’T WAIT” PRINCIPLES:

- Ban on chokeholds and strangleholds
- Require de-escalation
- Require warning before shooting
- Exhaust all alternatives before shooting
- Duty to intervene
- Ban shooting at moving vehicles
- Require use of force continuum
- Require comprehensive reporting

Two days later, on June 12, Governor Andrew Cuomo issued an [Executive Order](#) establishing the [New York State Police Reform and Reinvention Collaborative](#), which stated that every jurisdiction must “perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices, and develop a plan to improve such deployments ... to foster trust, fairness and legitimacy, and to address any racial bias and disproportionate policing of communities of color” by April 1, 2021.

Because the City of Buffalo was already engaged in a community-driven police reform effort, Mayor Brown moved forward with implementation of the Buffalo Reform Agenda through the summer and into the fall. At the same time, the Mayor made the decision to incorporate the mandated Police Reform Commission into part of the strategy to develop additional recommendations the City could consider implementing as it worked to enact lasting police reform.

**“IT HAS BEEN AN INFORMATIVE TIME FOR ME TO HEAR, NOT ONLY THEIR RECOMMENDATIONS BUT ALSO THEIR PERSONAL, AND OFTEN PAINFUL, EXPERIENCES. I AM COMMITTED TO WORKING WITH [THE COMMUNITY] AS WE AIM TO ADVANCE RACIAL EQUITY AND STRENGTHEN RESTORATIVE POLICING IN THE CITY OF BUFFALO.”**

**— MAYOR BYRON W. BROWN**

Since the launch of the Buffalo Reform Agenda, 20 separate initiatives, programs or reforms have been announced. Many of the initiatives affect policies and procedures related to policing, while others focus on advancing social reconstruction by recognizing the history and culture of the local Black community and addressing issues that disproportionately impact the Black community and other communities of color.

To date, there have been four major implementation phases of the Buffalo Reform Agenda, announced June 22, June 29, July 24 and August 27, 2020 and this effort will continue as the Commission’s recommendations are reviewed and considered by the City’s leadership.

Policing reforms implemented to date:

**1. Replacing custodial arrests for low-level offenses with appearance tickets.**

Buffalo Police officers will issue appearance tickets instead of handcuffing and transporting suspects for low-level offenses unless New York State law mandates an arrest or the individuals present a danger to themselves or others.

**2. Issuing “stop receipts” at all vehicle stops.**

A police officer who approaches a stopped vehicle must immediately tell the resident a reason for the stop and complete a form indicating that reason and the alleged violation observed, which is then provided to the driver of the vehicle, on-site.

**3. Adjusting tickets for correctable equipment violations.**

“Fix-it tickets” issued by the Buffalo Police Department were given a new correction period of 14 days, instead of the 24 hours provided by New York State Vehicle and Traffic Law. The 14-day period aligns with the average pay period and allows residents more time to correct equipment violations and therefore avoid paying a fine.

**4. Creating a transparent Buffalo Reform Agenda website.**

Buffalo Police Department Management created a new link to the Buffalo Reform Agenda on the BPD and the City of Buffalo web pages to prominently display the Body Camera, Use of Force and Manual of Procedure policies, as well as the latest version of new forms, and the Police Commissioner’s general orders on all current updates to policing in the City of Buffalo. These web updates may be found at: [buffalony.gov/reformagenda](https://buffalony.gov/reformagenda).

**5. Eliminating public release of booking photos or “mug shots.”**

In 2019, the Buffalo Police Department began a trial period to stop releasing booking photographs to the public unless there was a specific or urgent public safety reason. That policy was made permanent as part of the Buffalo Reform Agenda. The release of individuals’ booking photographs, taken before they had been convicted of any crime, often contributed to racially biased perceptions of crime and reinforced prejudicial stereotypes.

**6. Limiting “no-knock warrants.”**

The Buffalo Police Department, when it is the agency responsible for executing a search warrant,



no longer requests permission for a “no-knock” search warrant from a judge unless there is a clear danger to the safety of individuals, the community or an officer. Otherwise, officers will adhere to a “knock and announce” policy and give individuals a reasonable amount of time to allow entry.

**7. Forming a Public Protection Detail (PPD) to assist demonstrators and protesters.**

This represents a new approach to protecting residents’ right to free expression and public demonstration. Individual district chiefs have historically worked with community members planning events through community policing efforts and personal contacts; the PPD formalized this process and converted the policing of public demonstrations into a community policing function that relies on communication, information sharing, coordination and voluntary cooperation.

This shift in posture, from enforcement to protection, will reduce the likelihood of dangerous confrontations between officers and demonstrators, further promoting the use of non-violent techniques at demonstrations, foster greater awareness and consideration for residents’ property and allow police to more effectively employ de-escalation techniques when event attendees pose a potential problem to other demonstrators and residents.

**8. Banning chokeholds from being utilized by Buffalo Police officers.**

**9. Banning police “stop and search” based on the smell of marijuana alone.**

**10. Establishing a Behavioral Health Team for on-site de-escalation.**

Research shows that one in five Americans are affected by mental illness. It is not always clear to dispatchers when a call involves a person in a mental health crisis. Annually, Buffalo Police Officers respond to thousands of calls involving individuals facing a mental health crisis. Buffalo Police Department leaders identified this issue and implemented Crisis Intervention Training. This training provides police officers with skills to identify an individual experiencing a mental health crisis and assist them utilizing proper de-escalation techniques.

The Behavioral Health Team completed their 32-hour Crisis Intervention Training on October 12, 2020. By the end of January 2021, 125 diversions were made throughout the City of Buffalo. That is, 125 times that a resident in crisis in the

City of Buffalo received a connection to a behavioral health professional and restorative care from the Buffalo Police Department without incident.

**11. Updating the City of Buffalo’s “Public Access to Body Cam Footage” policy.**

**12. Instituting a Commission to review police policies.**

**13. Committing to additional officer training.**

**14. Buffalo Common Council Passage of Duty to Intervene law.**

The Duty to Intervene law was passed by the Common Council and signed by the Mayor in 2020, and reiterates a Buffalo Police officer’s responsibility to intervene, a policy adopted by the Buffalo Police Department in 2019, in a situation where they believe another officer is acting inappropriately or jeopardizing another person’s safety or well-being. The Buffalo Police Department Duty to Intervene Policy states: Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm. The Duty to Intervene Law is included as Appendix B.

**15. Purchasing less- or non-lethal policing tools such as Tasers and BolaWrap.**

The Buffalo Police Department is in the process of finalizing a five-year contract with Axon for the purchase of 85 Taser electronic control devices. The Department will train approximately 550 patrol officers in the use of these less than lethal devices. Each patrol district will be equipped with Tasers for deployment on each patrol shift, around the clock.

This program will give the Buffalo Police Department the most advanced less than lethal tool available on the market. Each officer will undergo 10 hours of initial certification training as well as an annual 5-hour course. This training covers the latest de-escalation techniques, legal updates, threat assessments, appropriate deployment scenarios, live fire demonstrations, as well as treatment and care for an individual that was the subject of the deployment of this device.

It is anticipated that the contract phase should be completed by May 1, 2021. The Buffalo Police Training Academy is creating a schedule for this training of officers that is set to begin as early as June 2021.



**BEN**

### Scenario

Ben is a veteran and has a diagnosis of Schizoaffective disorder. He is currently experiencing a crisis typified by inaudible speech, engaging with delusions, depressed mood and flat affect.



**JANE**

### Scenario

Jane is a Police Officer in the city of Buffalo and she received the call from dispatch to respond to the crisis situation.



**KELLEN**

### Scenario

Kellen is a Licensed Mental Health Counselor who works on BHT Team and responds to crisis

## BHT Combined User Journey Map



### Goals

The goal for Ben is to end the encounter with Police and BHT Clinician.

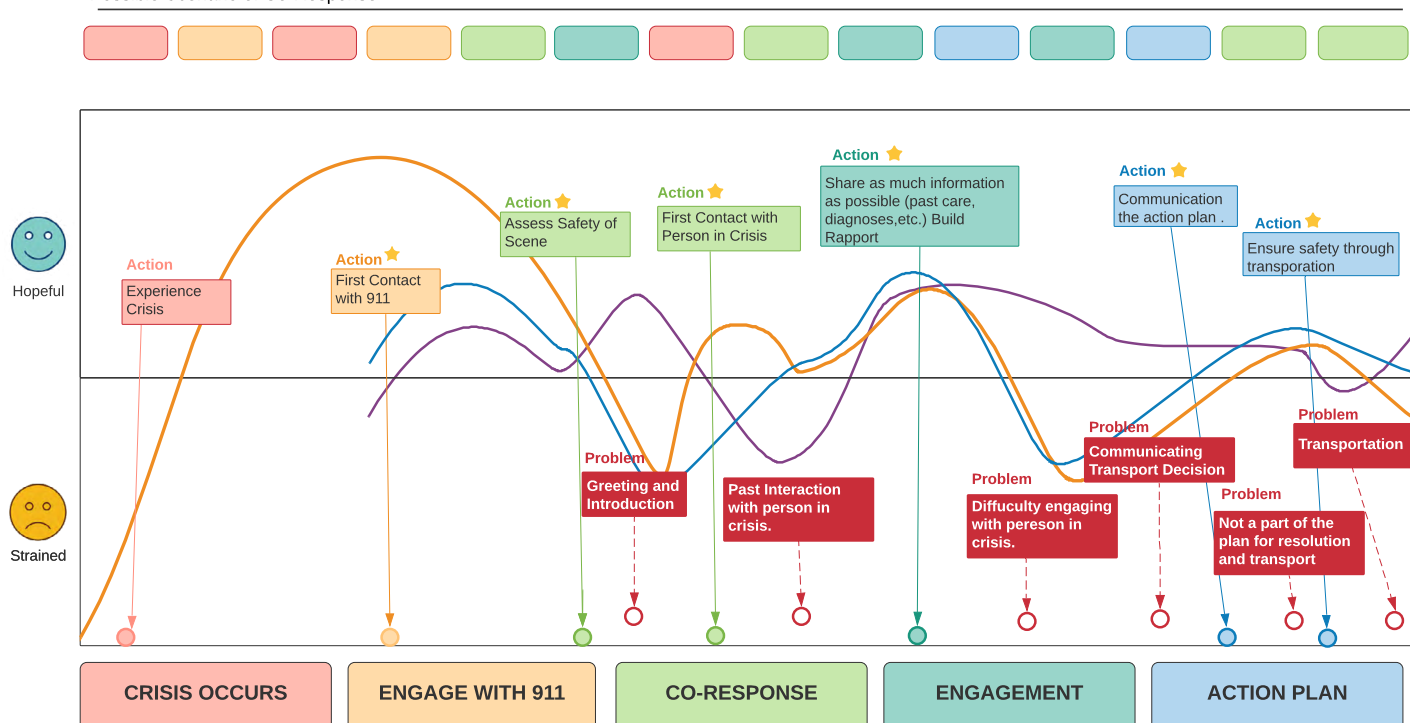
### Goals

The goal is for Jane to de-escalate the crisis situation in the safest possible way for all involved.

### Goals

The goal for Kellen is to deescalate the crisis situation and connect the person in crisis to the appropriate supports so they do not get arrested or hospitalized.

### Possible Scenario of Co-Response



## OPPORTUNITIES

- Client or Community calls 911 for assistance in the crisis situation.
- Ask for CIT Officer or Co-Response Team when speaking with dispatch.
- Prepare for onsite response, gather information from dispatch and/or officer on scene.
- Prepare for onsite response, gather information from dispatch.
- BHT Clinician is trained in Mental Health issues and can help deescalate a situation.
- Police Officers trained in CIT have a better awareness of skills needed in responding to crisis.
- Deescalate the situation with officer assistance.
- Create safety on the scene for all involved.
- If CIT Officers responds they have a better awareness of skills needed in responding to crisis.
- To share with the BHT Clinician and Officer your experiences to help with decision making for deescalation.
- Gain the trust of the person in crisis by engaging them in conversation.
- Complete appropriate assessments to get an accurate picture of person in crisis.
- Work with the BHT clinician on scene to assess person in crisis and deescalate the situation.
- Be involved in planning for the transportation action.
- Voice and Choice in next steps of care.
- To divert the person in crisis from arrest.
- To divert the person in crisis from involuntary hospitalization.
- To connect the person in crisis to the community based services that will best assist them.

## NEEDS

- Assistance for crisis resolution from professional supports including: Police, Clinicians, EMS.
- EMS may respond first, as dispatch calls are not placed simultaneously to Police and EMS.
- Keep safety of all people involved a priority as new people arrive to the scene.
- To ensure safety as soon as possible within this situation.
- More resources may be needed to engage with person in crisis.
- Voice and Choice in next steps of care.
- Support of professionals to get assistance during this crisis.
- Training to properly engage with the person in crisis.
- Tools and knowledge to properly engage the person in crisis.
- Clear understanding of transportation decision.
- Provide proper information for the diversion program.
- Knowledge and access to community based supports.
- Ensure transport happens safely.
- Knowledge and access to community based supports.

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## Behavioral Health Team Co-Response

This evaluation ran from inception date to March 12, 2021 (just over 5 months). The BHT Co-Response program is new to Endeavor and is currently in the implementation and expansion phase.

### Objectives



- Increase the access and speed to care in a 911 crisis situation
- Increase the collaboration between law enforcement and behavioral health practitioners.
- Increase the efficiency of officer time.
- Decrease the number of psychiatric hospitalizations.
- Decrease the number of repeat calls for service.
- Decrease the number of arrests/jail admissions.

## \$1.26 million

overall projected savings for 2021.



**\$420,000** projected savings on Psychiatric Emergency Room visits

in 2021 with \$105,300 in savings so far in Quarter One.



**\$536,000** projected savings on Ambulance Transport cost

in 2021 with \$134,000 in savings so far in Quarter One.



**\$312,000** projected savings on Inpatient Hospitalization based on 20% of all ED visits leading to inpatient stays.

### 300% Increase in the Number of Partnerships

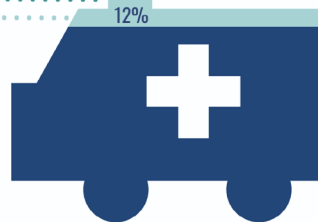


Communication is increasing across partnerships as well, a monthly summit across partners will start in April 2021.

### All 911 Co-Response Calls

% of calls from High Utilizers in 2021  
% of calls from High Utilizers in 2020

2%  
12%



▼10%

Reduction in repeat calls for service across all areas

### Timing is Everything

14 minutes

is the average time between the 911 call and the BHT Co-Response team being on scene. The shortest response time was 3 minutes!



39% of 911 calls

for BHT Co-Response happen between 12pm-3pm making it the most popular window of service.



1 BHT Clinician saves 80+ police hours per year

this time savings does not include the time savings on police reports, court visits, and involuntary transportation time.



### Outcomes and Savings



#### One Arrest

Since the BHT Co-Response unit has been in place only one encounter has lead to an arrest!



#### 125 Successful Diversions

Since the BHT Co-Response unit has been in place they have been able to divert over 40% of encounters from arrest or hospitalization.



#### Zero Complaints

Since the BHT Co-Response unit has been in place, there have been zero complaints/grievances filed by recipients of service.



#### 40% Diversion Rate for High Risk Clients

Calls that come in to BHT Co-Response are deemed a higher risk to the safety of the individual and community. These calls cannot be responded to by a community based lower level of care.

" I just witnessed a heavy police presence and a young black male...I kept watching and I noticed the police start to move away from the male, next I see several civilians arrive on the scene and approach the male as the police stood down. The civilians were health care workers! They calmed the man and neutralized the situation...Thank you to the countless advocates who pushed for mental health workers to get to these types of situations rapidly. The police are gone, the male is not under arrest and...getting care, not a cell."

The City launched the BolaWrap pilot program in October of 2020. Use of this non-lethal force technology will be tested by members of the BHT. Officers assigned this device will help determine, over a period of six months, how effective it is in keeping residents and officers safe, how easy it may be to carry and whether it can be effectively deployed in the field. Wrap Technologies is partnering with the City of Buffalo Police Department and allowing the BHT to run this pilot program at no cost.

#### **16. Gaining public support of the Buffalo Reform Agenda from Buffalo Bills players.**

On September 10, 2020, several Buffalo Bills players held a virtual press conference announcing social initiatives the players committed to in the City of Buffalo. In addition to supporting Mayor Brown's police and social reforms under the Buffalo Reform Agenda, the players also committed to providing 4,500 Buffalo Public School families with high-speed internet, encouraging residents to take the census, and educating the community on voting including registering, early voting and voting by mail.

#### **17. Disbanding of the Buffalo Police Traffic Unit.**

In an effort to achieve more efficient and affordable traffic enforcement, the Traffic Unit was disbanded in 2021, transferring these duties to the individual Police Districts, ensuring more accountability and direct service in dealing with traffic issues. Each individual Police District will be better able to deploy officers at any time related to 311 or 911 traffic complaints and eliminate the bifurcated system where the former Traffic Unit handled some calls while Districts handled others. All calls are now the sole responsibility of each individual District to address. Additionally, more than 40 police officers and 8 lieutenants were transferred back into the Districts to bolster the number of officers available to answer calls for service and reduce minimum staffing overtime costs. This also allowed the Police Department to create a new Special Events Captain position which will oversee all special events and operations, including parades, festivals, cultural events, concerts and events at sporting and entertainment venues.

The Special Events Captain will receive continuing homeland security training pertaining to large scale events that draw large crowds, and will work with every District Chief to prepare for those events with adequate staffing numbers and planning for the safety of all participants at events.

**"THIS PANDEMIC CONTINUES TO SHINE A LIGHT ON THE FACT THAT ONE IN FIVE AMERICANS ALREADY SUFFERS FROM SOME FORM OF A MENTAL HEALTH CONDITION. AS CALLS TO CRISIS HOT LINES OR BEHAVIORAL HEALTH ORGANIZATIONS CONTINUE TO INCREASE DURING THE PANDEMIC, WE NEED MORE PEOPLE IN THE COMMUNITY TO KNOW THE SIGNS THAT SOMEONE IS SUFFERING FROM ANXIETY, STRESS OR DEPRESSION. IT'S THE FIRST STEP IN GETTING THEM THE HELP THEY NEED."**

**— DEPUTY MAYOR DR. ELLEN GRANT**

#### **18. Mental Health First Aid (MHFA).**

MHFA is a course that teaches civilians how to identify, understand and respond to signs of mental illnesses and substance use disorders. Similar to traditional First Aid, the 8-hour training teaches the skills needed to reach out and provide initial help and support to someone who may be developing a mental health or substance use problem or experiencing a crisis. The course can be delivered with a focus on adults or youth.

Upon completion of training, one receives a Mental Health First Aid certification which requires renewal every three years.

Mental Health First Aiders learn a single 5-step action plan known as ALGEE, which includes assessing risk, respectfully listening to and supporting the individual in crisis, and identifying appropriate professional help and other support. Participants are also introduced to risk factors and warning signs for mental health or substance use problems, engage in experiential activities that build understanding of the impact of illness on individuals and families, and learn about evidence-supported treatment and self-help strategies.

Mental Health First Aid was created in 2001 by Betty Kitchener, a nurse specializing in health education, and Anthony Jorm, a mental health literacy professor. Kitchener and Jorm run Mental Health First Aid Australia, a national non-profit health promotion charity focused on training and research.



## BUFFALO REFORM AGENDA

# ADDITIONAL POLICE REFORM RECOMMENDATIONS

The following recommendations should be explored and included in future phases of the Buffalo Reform Agenda.

### **LAW ENFORCEMENT ASSISTED DIVERSION (LEAD)**

Law Enforcement Assisted Diversion (LEAD) is a pre-arrest diversion program that improves public safety and public health through a partnership between police and community service providers. In a LEAD program, individuals who would typically be arrested for nonviolent offenses driven by mental and social challenges are instead diverted to harm reduction-based case management and outreach services. Successful diversions rely on a continuous communication loop between case management staff, service providers, LEAD stakeholders and the police department. Prosecutors and police officers work closely with case managers to ensure that all law enforcement contacts with LEAD participants are coordinated and maximize the opportunity for lasting behavioral change.

An individual intervention plan is set up for each person in LEAD, which might include assistance with housing, job training and placement, childcare or other services. LEAD also finds new ways to solve problems for individuals who frequently cycle in and out of the criminal justice system.

Case managers, service providers, prosecutors and the police department all remain involved and up to date on the individual's case, through LEAD's structure that includes a Policy Coordinating Group, a Project Director, an Operational Work Group (focused on case management) and a Data Group. The City of Buffalo is in the process of developing this program.

Officers cannot solve all the underlying problems in society, but they should have protocols for handling individuals with diverse needs. However, police officers should be able to determine when the safety of the individual and the community is better served by diversionary methods, like referrals to service providers, rather than arrest. In Seattle, where this program has been in place, LEAD participants were 58% less likely to be arrested after enrollment when compared to those

who went through the traditional criminal justice system. In April 2016, the City of Albany launched its own LEAD program, and demonstrated a similar success rate with 40 diversions in the first year.

### **RELOCATION OF THE BUFFALO POLICE INTERNAL AFFAIRS DIVISION**

The City of Buffalo is in the process of identifying a space in City Hall where the entire Internal Affairs Division will relocate to from Buffalo Police Headquarters at the Dillon Building. Moving the Division to a dedicated space away from Police Headquarters will provide a more independent and anonymous setting for any person who intends to report police misconduct. This has proven to be successful in other cities. There are currently numerous ways to file a complaint against any police officer for alleged misconduct; however, at some point in the investigation, a statement will probably need to be taken. When those statements are taken, individuals were compelled to go to Police Headquarters for this process. That step in the process may have dissuaded many from coming forward and pursuing an investigation to completion. The relocation process should have a plan in place to begin in the upcoming 2021-2022 Fiscal Year.

### **FORMALIZED BOUNTY HUNTER POLICY**

A new policy is currently under development by the Buffalo Police Department regarding requests for assistance by bounty hunters and other related matters. A Supreme Court decision has afforded these individuals wide Constitutional latitude; however, the Buffalo Police Department is developing specific policies and procedures that will guide the Department's actions in a manner that is consistent with the principles of keeping residents safe and providing bounty hunters with the Constitutionally mandated level of support they require in the performance of their jobs.

## **PRIORITIZING OFFICER WELLNESS**

Buffalo Police Commissioner Byron Lockwood has launched a working group made up of representatives from his management team, other police officers, the PBA and the Employee Assistance Program (EAP) Captain, which is holding regular meetings to discuss the enhancement of officer wellness within the Department. They are currently exploring various initiatives designed to keep officers healthy and safe while also providing them the ability to seek health or mental health services in a confidential manner. This will enable officers to better deal with stress and give them better coping mechanisms that will in turn result in better policing when confronting dangerous situations.

## **UNITED AGAINST CRIME-COMMUNITY ACTION NETWORK (U-CAN)**

The City of Buffalo will establish a U-CAN program in collaboration with Erie County Court Judge Susan Eagan. The goal of U-CAN is to steer young offenders between the ages of 16 to 21 away from a downward spiral that could lead to a life of crime. The program works by providing eligible individuals with a Court-monitored mentoring program which will provide a positive role model for participants who are at a critical juncture in their lives. This program can be established in a family or criminal court at very little expense and minimal new administrative responsibilities, but can yield positive long-term fiscal and social benefits in its community. The steps toward establishing a program include:

- Recruiting, screening and training mentors
- Identifying defendants that might benefit and offering them the opportunity to take part in the U-CAN program
- Providing semi-private space for mentors and mentees to meet on a regular basis
- Maintaining regular contact with U-CAN participants and providing ongoing support for mentors

## **PIPELINE TO FIRST RESPONDER CAREERS**

The City is in the process of a joint undertaking between the Buffalo Police Department, the Buffalo Fire Department and Buffalo Public Schools to create a first responder jobs pipeline program at East High School. This curriculum will be a part of the Career and Technical Education Program. The purpose of the program is to expose students to careers in policing, firefighting and law to eventually increase diversity within these fields and provide interested students of color better access to these opportunities. This program is in the planning stages and will be launched in a future phase of the Buffalo Reform Agenda.

## **SAFEGUARDING CHILDREN OF ARRESTED PARENTS PROGRAM AND TRAINING**

The Osborne Association and the Buffalo Police Department are working together to create a new and innovative Safeguarding Children of Arrested Parents Program that will develop and enact a child-sensitive policing policy. The policy will include protocols and training that minimize the potential trauma children may experience as a result of a parental arrest or other law enforcement activities. A new consortium of WNY youth-serving agencies is acting as an advisor to the project and working to provide trauma-informed follow-up services to children and families. The project's long-term goal is to improve relationships between the Buffalo Police Department and the community. AT&T is providing the needed funding to implement the innovative new training.

## BUFFALO REFORM AGENDA

# REVISIONS TO EXISTING BUFFALO POLICE DEPARTMENT POLICIES

During the public comment period for the Buffalo Police Reform and Social Reconstruction Commission's draft resolution, a number of recommendations from residents, elected officials and other public entities were received. After a review of those recommended amendments to the draft resolution, these specific revisions to the Buffalo Police Department's current policies will be updated to reflect that feedback.

### DUTY TO PRESERVE HUMAN LIFE AS AN ACTIVE AND PRIMARY OBJECTIVE

The current Buffalo Police Department Use of Force policy is written so that it recognizes "the value of human life and dignity without prejudice to anyone." The recognition of human life and dignity is less than an active duty to preserve that life under the circumstances which officers may confront. This subtle but important change in prioritization will ensure that the first duty of every officer, and therefore actions taken, are geared towards preserving the life of every person they encounter in the performance of their duties within the parameters of ensuring the safety of other residents and themselves. The City has committed to make this change in its Use of Force Policy and then training each officer in its meaning and practice.

### ACTIVE DUTY TO DE-ESCALATE

As part of the Department's commitment to make the preservation of life an active and primary one, the Use of Force policy must be updated to reflect this principle in the commitment to have officers practice an active duty to de-escalate confrontational situations. Currently, the Use of Force policy prescribes that officers "should" attempt a variety of de-escalation techniques before an increasingly higher level of force is employed. Making de-escalation an active duty requires that responding officers constantly and continuously view the entire incident as an opportunity to employ a non-physical or forceful way to defuse a situation as it evolves. In this scenario, force of any type becomes a last resort and not a continuum of escalating techniques to ensure compliance, while protecting the public and the officers on scene.

### CLEARLY DEFINE "NECESSITY" AND "PROPORTIONALITY" IN THE USE OF FORCE POLICY

By making de-escalation an active duty, the Use of Force policy must also be amended to include clear definitions of "necessity" and "proportionality." A shared and updated understanding of these two terms is critical to the implementation of the previous two recommended changes. Officer interpretation of "necessity" must reflect the commitment to the preservation of all life, as well as the need to constantly reassess every situation to find an opportunity to de-escalate. "Proportionality" takes on a new meaning when officers are no longer thinking of force as a continuum and instead as a last resort. For the protection of the officers and the community, these terms must be explicitly defined in the Use of Force policy and communicated on a regular and ongoing basis to residents through community policing activities.

## BUFFALO REFORM AGENDA

# PUBLIC ENGAGEMENT

**Over the course of the work of the Commission, hundreds of comments were received from legal experts, professional associations, community organizers and activists, former and current law enforcement experts, and concerned residents from Buffalo and beyond.**

Thousands of postcards in support of the Law Enforcement Assisted Diversion (LEAD) program were sent to members of the Buffalo Common Council and the Office of the Mayor. There was an overwhelming response from the community to participate in police reforms. Some of the groups who gave input to the City of Buffalo and Buffalo Police Department include but are not limited to: Buffalo Board of Block Clubs, Buffalo Peacemakers, Buffalo Bills players, Citizen Action of New York- Western New York Chapter, Concerned Clergy of WNY, Free the People Coalition, Greater Buffalo Racial Equity Roundtable, Minority Bar Association of WNY, Most Valuable Parents, Open Buffalo, Social Workers, University at Buffalo School of Law Black Law Students Association, WNY Peace Center and partners in government. Engaged residents and organizations across the City, State and region made comments on police reform and social justice initiatives in Buffalo, and that feedback was integral to the development of the Commission's final recommendations.

On March 22, 2021, a Draft Resolution was presented to the full Common Council and was prominently posted to the City's website and released to the media and community groups for public comment. The comment period was open through March 26, 2021. Comments were submitted via voicemail and email. Members of the Common Council were also encouraged to submit additional comments regarding the Draft Resolution. Those comments were incorporated into the final resolution that was presented to the Common Council on March 30, 2021, with the request for immediate passage by April 1, 2021.

Once adopted, the resolution is a vehicle for the continuation of additional conversation and community collaboration, as the City of Buffalo prioritizes the ongoing reinvention of policing to benefit the residents, businesses and visitors of the City of Buffalo.



## BUFFALO REFORM AGENDA

# TIMELINE OF COLLABORATIVE ACTIVITIES & PLANNING EFFORTS

The City of Buffalo and Buffalo Police Department were instrumental in identifying several key moments and reaching key milestones in the ongoing implementation of the Buffalo Reform Agenda and the corresponding NYS Police Reform and Reinvention Collaborative recommendations. Such milestones are highlighted in the timeline below, culminating in the City of Buffalo Common Council's formal adoption of a Resolution, as required by the Executive Order.

### June 10, 2020

Mayor Brown, Free the People WNY Coalition and community groups announce steps to advance racial equity and strengthen restorative policing in the City of Buffalo; Mayor Brown issues Executive Order No. 2020-001 announcing major police reforms

### June 19, 2020

Mayor Brown announces that Juneteenth (June 19) will be a holiday for City of Buffalo employees beginning in 2021

### June 22, 2020

Mayor Brown announces implementation of Buffalo Reform Agenda and first phase of reform actions

### June 29, 2020

Mayor Brown announces second phase of Buffalo Reform Agenda

### July 6, 2020

Mayor Brown calls on NFTA to rename Utica Street NFTA Transit Station after Robert Coles, a Buffalo resident and acclaimed Black architect who championed the use of public spaces as a means to achieving racial equity

### July 24, 2020

Mayor Brown announces third phase of Buffalo Reform Agenda

### August 27, 2020

Mayor Brown announces fourth phase of Buffalo Reform Agenda and issues Executive Order No. 2020-002 limiting the use of "no-knock" warrants by the Buffalo Police Department

### September 18, 2020

Mayor Brown announces formation of the Commission to Recommend Police Policy and Advance Social Reconstruction

### September 29, 2020

The Buffalo Common Council votes to pass Duty to Intervene Law

### October 27, 2020

Common Council unanimously approves the Buffalo Police Department's request to accept a grant to participate in the Justice and Mental Health Collaborative Program

### October 28, 2020

Mayor Brown signs Duty to Intervene Law

### November 18, 2020

Commission convenes for the first meeting

### December 2, 2020

Commission holds second meeting

### December 16, 2020

Commission holds third meeting

### January 6, 2021

Commission holds fourth meeting

### February 18, 2021

Commission holds fifth meeting and formalizes its recommendations

### March 2021

City of Buffalo finalizes formal report for submission to the New York State Police Reform and Reinvention Collaborative, and submits Draft Resolution for review by Common Council and opens public comment period

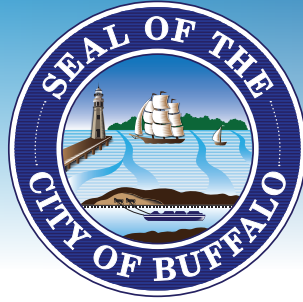
### March 29, 2021

Commission holds sixth meeting to amend Draft Resolution

### March 30, 2021

Following approval of Resolution by the Buffalo Common Council, the City of Buffalo will formally submit the Resolution and Report by the Commission to the Director of the New York State Division of the Budget by April 1, 2021.

The submission certification can be found as Appendix C.



# RESOLUTION

By: Niagara District Council Member and Majority Leader David Rivera

Re: New York State Police Reform and Reinvention Collaborative

**WHEREAS**, much of the country was shocked and appalled by the deaths of George Floyd in Minneapolis, Minnesota, Breonna Taylor in Louisville, Kentucky, and the Black and other people of color who have been killed or injured by police; and

**WHEREAS**, despite the current COVID-19 pandemic, citizens throughout the country, including many residents of the City of Buffalo, protested the deaths of people of color at the hands of police officers, and have demanded systemic reforms in communities across the country; and

**WHEREAS**, the City of Buffalo officials acted immediately after the death of George Floyd, meeting with members of the community, implementing several executive orders which prohibited chokeholds, increased police training, banned no-knock warrants, provided for the issuance of stop receipts, and reserved custodial arrests for only the most serious crimes, among other reforms; and

**WHEREAS**, the City now requires an officer who witnesses another officer not following proper departmental procedure to intervene under the recently passed duty to intervene law. The law also provides protections for officers who report policy and procedure violations of a fellow officer; and

**WHEREAS**, the City also repealed various fees and fines imposed for various traffic infractions, while also instituting a Parking Amnesty program; and

**WHEREAS**, after the City implemented many of its reforms, Governor Andrew Cuomo established, through Executive Order 203, the New York State Police Reform and Reinvention Collaborative; and

**WHEREAS**, pursuant to Executive Order 203, Mayor Byron W. Brown created a Commission to Recommend Police Policy and Advance Social Reconstruction, consisting of representatives from various community groups, interested stakeholders, and members of the Buffalo Common Council; and

**WHEREAS**, the Commission met over the course of several months, and discussed various ideas on reforming the Buffalo Police Department and creating a more equitable, inclusive, and just City of Buffalo for every resident; and

**WHEREAS**, the recommendations from the Commission were presented to the Mayor and have been posted on the City of Buffalo website for public review; and

**WHEREAS**, the City of Buffalo remains committed to comprehensive Police Reform and the ideals of advancing social reconstruction to build a more equitable, inclusive and just Buffalo for every resident; and

**NOW, THEREFORE BE IT RESOLVED THAT:**

- (1) The City of Buffalo continues to be committed to sensitive Police Reform and improving the lives of the residents of the City of Buffalo.
- (2) The City of Buffalo commits to the expansion of the Buffalo Reform Agenda, which is a living document that will change with time to suit the needs of the residents of the City of Buffalo, especially those who are underserved and under-represented.
- (3) The Buffalo Police Department will ensure all police officers are compliant with current policies and practices. The Buffalo Police Department will send regular communication to all police officers reinforcing compliance with policies such as the duty to intervene, ban on chokeholds and carotid holds, the utilization of the Behavioral Health Team, de-escalation techniques, and community engagement priorities.
- (4) The City will include, in any collective bargaining agreement negotiation with the Buffalo Police Benevolent Association, a proposal requiring career residency for all new Buffalo Police recruits. In 2015 the City successfully negotiated the first-ever contractual residency requirement and will continue to negotiate for a career residency requirement for all newly hired officers. A residency requirement would require the police to live in the communities they serve, allowing officers to build relationships with community members. This would also ensure that police recruits come directly from the community they serve.
- (5) The City will also include in any collective bargaining agreement negotiation with the Buffalo Police Benevolent Association a performance evaluation program for Buffalo Police Officers.
- (6) The City shall solicit community input regarding proposals during collective bargaining negotiations with the Buffalo Police Benevolent Association. This will ensure that the community is represented during the collective bargaining process.
- (7) The Commission on Citizen Rights and Community Relations will be utilized to empower residents and provide oversight of police interactions in the community. The Commission on Citizen Rights and Community Relations will undergo a community planning process that engages all neighborhoods, especially neighborhoods with the most police presence, to enhance and improve police/community interactions. The community planning process will review the composition of the Commission and make recommendations about amending members; provide an analysis of current powers and recommended powers; demonstrate

the necessary tools to improve communications between police and the community; and determine if current State statutory authority allows for oversight of police by its members. The Commission on Citizen Rights and Community Relations will provide a survey on its website and for City of Buffalo residents to complete any time they have an interaction with Buffalo Police Officers. This survey will compile positive and constructive feedback on police/community relations. This survey will also be distributed during Clean Sweeps, ensuring everyone has access to the survey. This information will be used to understand what, if any, differences in police interactions there are between neighborhoods. The Commission will be able to identify neighborhoods that receive disparate treatment and officers that receive multiple complaints. The Commissioner of the Buffalo Police Department will receive bi-annual reports from the Commission, or more as requested, which will be made public on the City of Buffalo's Open Data Portal.

- (8) The City of Buffalo is committed to implementing Law Enforcement Assisted Diversion (LEAD) as a pilot program in B District. LEAD responds to low-level offenses, such as drug possession, sales, and prostitution, to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs.
- (9) School Resource Officers—Working with Buffalo Public Schools and the community, the Buffalo Police Department will ensure that the School Resource Officer Program serves the needs of the community, the students, parents, and guardians in those schools. The School Resource Officers will reflect the Community Police Officer program—officers will build relationships with students, parents, and guardians to serve as guides and mentors. This will not increase the presence of police officers in schools.
- (10) Data Transparency. Working with the Buffalo Common Council, Mayor Brown secured a partnership with SAS, a data analytics software and solutions company. With SAS's state-of-the-art analytics, the Buffalo Police Department is well-situated to become one of the most data-driven and transparent police departments in the nation. Publicly accessible reports on the metrics regarding the implementation of the reform initiatives will also be generated. To ensure accountability and transparency, the City of Buffalo is committed to joining the Police Data Initiative (PDI) for ease of access to this data.

PDI is a law enforcement community of practice that includes leading law enforcement agencies, technologists, and researchers committed to engaging their communities in a partnership to improve public safety that is built on a foundation of trust, accountability, and innovation. PDI represents the great work and leadership of more than 130 law enforcement agencies that have released more than 200 datasets to date, and originated as a result of several recommendations in the Task Force on 21st Century Policing that focused on technology and transparency. The agencies participating in this community of practice have chosen to release their data to the public, therefore anyone can collect the data. However, it is important to note that neither this initiative, the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office), nor the Police Foundation are collecting this data at the national level. The PDI website only provides an index to these agency's webpages where the data can be downloaded by the public.

The Buffalo Police Department will also issue a Departmental Report to the Community and an Internal Affairs Report to the Community, annually.

- (11) Increased community interactions. Effective immediately, the Buffalo Police Department will reinstate monthly District meetings, publicly. Additionally, the Commissioner will reinstate the Taking it to the Streets mobile command, and executive command staff will respond and assist patrol officers once, monthly. All public activities will be in accordance with social distance and COVID-19 protocols.
- (12) The Buffalo Police Department's management and community police officers will be required to participate in restorative justice training.
- (13) The Buffalo Police Department will utilize specially trained personnel who will provide information and support to families of homicide victims.
- (14) The City of Buffalo will create two new positions to work with specific constituencies that are often the targets of criminal acts and whose targeting is often underreported: (a) a LGBTQ community liaison and (b) a New Americans community liaison.
- (15) The City of Buffalo Department of Public Works, in conjunction with the Buffalo Police Department, shall undertake a comprehensive study of Community Policing Through Environmental Design (CPTED) design principles and develop a set of recommendations for their implementation in appropriate communities throughout the City of Buffalo.
- (16) The Buffalo Police Department will work with the Division of Citizen Services and other relevant partners to expand the Police And Community Together (PACT), Citizen's Police Academy, program's availability for the purpose of increasing the community's involvement and understanding of the Department's officer education and training programs.
- (17) In accordance with comments received by the City of Buffalo from the New York State Office of the Attorney General in relation to the preliminary draft of this resolution, the following changes are recommended for the Department's Use of Force Manual:

#### **Duty to preserve human life as an active and primary one**

The current Buffalo Police Department Use of Force policy is written so that it recognizes "the value of human life and dignity without prejudice to anyone." The recognition of human life and dignity is less than an active duty to preserve that life under the circumstances which officers may face. This subtle but important change in prioritization will ensure that every officers' first duty, and therefore actions, are geared towards preserving the life of every person they encounter in the performance of their duties within the parameters of ensuring the safety of other residents and themselves. The City is committing to make this change in its Use of Force Policy and then training each officer in its meaning and practice.

#### **Active duty to de-escalate**

As part of the Department's commitment to make the preservation of life and active and primary one, the Use of Force policy must be updated to reflect this principle in its commitment to have officers' practice an active duty to deescalate the situation. Currently, the Use of Force policy prescribes that officers "should" attempt a variety of de-escalation techniques before an increasingly higher level of force is employed. Making de-escalation an active duty requires the responding officers to constantly and continuously view the entire incident as an opportunity



to employ a non-physical or forceful way to defuse a situation as it evolves. In this scenario, force of any type, becomes a last resort and not something on a continuum of techniques to ensure compliance and protect the public or the officers on scene.

### **Clearly define “necessity” and “proportionality” in the Use of Force policy**

By making a de-escalation an active duty, the Use of Force policy must also be amended to include clear definitions of “necessity” and “proportionality.” A shared and updated understanding of these two terms is critical to the implementation of the previous two recommended changes. Officers’ understanding of “necessity” must reflect the commitment to the preservation of all life as well as the need to constantly reassess every situation to find an opportunity to de-escalate. “Proportionality” takes on a new meaning when officers are no longer thinking of force as a continuum and instead as a last resort. For the protection of the officers and the community these terms must be explicitly defined in the Use of Force policy and communicated on a regular and ongoing basis to residents through community policing activities and other public engagement opportunities.

- (18) The City of Buffalo will request the State Legislature to review civil service procedures and Law in order to give municipalities more flexibility in the hiring process in order to achieve higher degrees of diversity.
- (19) The City supports proposed changes in, and additions to, State Law that reverse and repair systemic injustices to overpoliced communities and communities of color. The City will work with the local State Delegation to pass the following proposed State bills:
  - a. A.2359: Amending the Civil Service Law to establish a racial equity, social justice, and implicit bias training program for all civil service employees.
  - b. A.2358/S.3468: Establish an office of Racial Equity and Social Justice for the State of New York.
  - c. A.2277/S.2836: Humane Alternatives to Long-Term Solitary Confinement (HALT) limits the time an inmate can spend in segregated confinement, ends the segregated confinement of vulnerable people, restricts the criteria that can result in such confinement, improves the conditions of confinement, and creates more humane and effective alternatives to such confinement.
  - d. S.15/A.3475: Parole eligibility for certain inmates age fifty-five. This bill permits the Board of Parole to evaluate all inmates over the age of 55 who have served at least 15 years in prison for possible parole release.

# SUBMISSION CONFIRMATION

On behalf of the City of Buffalo and the Buffalo Police Department, this page confirms formal report submission to the New York State Division of the Budget in response to Executive Order No. 203: New York State Police Reform and Reinvention Collaborative.

The City of Buffalo Office of Diversity, Opportunity, and Inclusion would like to thank all those individuals and entities who contributed to this report, including the Buffalo-headquartered integrated marketing agency The Martin Group for their assistance in content compilation, design, and layout.

Please direct all questions regarding this report to the City of Buffalo Office of Diversity, Opportunity, and Inclusion.

**Phone:**

716-851-5348

**Email:**

[prc\\_cobCommission@buffalony.gov](mailto:prc_cobCommission@buffalony.gov)



# AFTERWORD



## LETTER FROM CITY OF BUFFALO MAYOR **BYRON W. BROWN**

We are at a crucial time in our society to identify and address the systemic racism that has plagued our nation for far too long. While police everywhere are empowered as the protectors of our communities, the wrongdoings experienced by the Black community in many instances are the result of systemic racism.

Beyond reinventing policing on the municipal level, overhauling centuries of systemic injustices will require every level of government, private and public entities, and leaders and residents of every community to embark on a continuous journey for justice. The services provided by the police in every community must be the same regardless of neighborhood, race, ethnicity, religion, gender, gender identity, sexual orientation, immigration status or spoken language. This will not be possible until our justice system decriminalizes issues that disproportionately impact Black and Brown communities that are often related to poverty and allows local police departments to adequately hold the few bad actors among the ranks accountable for any misconduct.

Police officers must treat the residents of the communities they serve in the same way they would want to be treated. That kind of mutual respect and understanding comes when members of the Department live in the same neighborhoods they are asked to patrol. In the City of Buffalo, my Administration has worked hard to make that a reality by securing the first-ever residency requirement for new officers in the Buffalo Police Department's recent history in previously ratified contract.

Members of the Buffalo Police Department must be held to the highest ethical standards and the Department's leadership must continue to enact innovative policies that ensure those standards are met. My Administration is committed to finding and implementing other best practices that will make

Buffalo a safer City for all its residents while also improving the performance and resources available to all of our officers.

As we reimagine policing, we must envision a City where everyone can walk, drive and play in a safe and secure manner that is free from the fear of harassment of any kind. We all deserve to live in a City where the basic needs of all of our residents, like education, food, healthcare and housing can be met, and where people in crisis are treated with compassion, dignity and respect.

In the pursuit of those goals, police have been called on to do more than just protect us in dangerous situations; often to the detriment of good police-community relations and to the residents whose needs extend beyond those of the training police officers have traditionally been given. The injustices and tragedies of 2020 put a spotlight on these systemic breakdowns and highlighted the social inequality that disproportionately impacts Black, Brown, Indigenous and New Americans, and other communities of color.

The solutions to many of these problems will be found in community-wide partnerships. From government and academic leaders, to businesses and not-for-profits, to community groups, organized labor and philanthropic organizations, and higher education, we must be one community, united to ending systemic racial injustice. This means that we must work across communities and industries to find strategic solutions.

The remaining items in this report illustrate the creative ways the City of Buffalo has addressed some of these challenges, and the initiatives members of the Commission have recommended to implement social reconstruction.

I would like to thank the members of the Commission for their work on this transformative project as well as the Buffalo Common Council, the Buffalo Police Department leadership, leaders across every community in our City of Good Neighbors, and my staff for actively contributing to and participating in this process. This report is just the first step in reimagining a City that is safer and more equitable for all.

**Mayor Byron W. Brown**  
City of Buffalo

## SOCIAL RECONSTRUCTION

# LEVERAGING PARTNERSHIPS, RESOURCES AND POLICIES FOR LASTING SOCIAL CHANGE

**The Reconstruction era following the United States Civil War was a time when the United States struggled with the realities of integrating a divided nation. As our country emerges from a series of health, racial and economic crises, social reconstruction is the way to rebuild from these traumas, community by community.**

The social reconstruction proposed by Mayor Brown is not intended to restore our City to a pre-pandemic status quo. This is an opportunity for our community to innovate and create a better Buffalo for each other, now and in the future. Leveraging government, business, industry, community, policy, service and philanthropic interests, the Buffalo Reform Agenda will help to bridge the divide in a City that has always refused to concede defeat.

Throughout the advancement of the Buffalo Reform Agenda, the City of Buffalo, with the cooperation of the Buffalo Police Department and many other City Agencies and Departments, has prioritized, encouraged, and welcomed community feedback and input, and it is all of these important voices that have positively shaped this effort and the early successes that have been realized.

From the onset, a strategic focus was in place to communicate actively with residents and key stakeholder groups in a proactive manner regarding the Reform Agenda. The engagement tactics utilized included: in-person meetings, socially distanced gatherings and listening sessions. Press conferences, Buffalo Common Council meetings, media availabilities both locally and nationally, as well as drive-time radio appearances and television interviews were all maximized for enhancing dialogue and discussion. Surveys and other feedback mechanisms were also issued, as was the receipt of inbound resident input via phone, e-mail and social media. Information was shared externally through Facebook, Instagram and other platforms, while the City of Buffalo and Police Department websites offered an increased level of frequency of communications offering more detail for visitors.

Rather than trying to avoid addressing the issue within the public domain, Mayor Brown, Police Commissioner Lockwood, City Council Members and other government officials embraced the opportunity to speak openly and shine a spotlight on the reform movement and need for change. While difficult, and sometimes painful dialogue ensued, this constructive conversation further shaped the Buffalo Reform Agenda rollout and strengthened the resolve of all involved.

One of the highlights of the Buffalo Reform Agenda's introduction and implementation has been the expansive backing received from the Greater Buffalo Niagara community. From every neighborhood and sector, the City of Buffalo experienced an outpouring of support in the push for more equitable law enforcement and racial and social justice policies. There was significant recognition that the longstanding issue of pervasive systemic racism must be confronted for there to be real progress. Various professional athletes, celebrities and other key regional influencers also volunteered to use their profiles, platforms and podiums to further the cause and encourage real dialogue.



## Mayor's changes to Buffalo Police Department seen as 'great first step.' What's next?

By Maki Becker, Aaron Besecker Jun 12, 2020 Updated 20 hrs ago 1



Buffalo Police Commissioner Byron Lockwood meets with concerned citizens in Niagara Square earlier this month.

Harry Scull Jr./Buffalo News



By Maki Becker, Aaron Besecker

**A**ppearance tickets given on-site, instead of a trip in handcuffs to Central Booking for many nonviolent offenses.

No more searches based solely on a police officer detecting the "smell of marijuana."

Restructuring fines and fees so that they are less costly to the poor.



## City leaders taking action to address racial inequity

By Another Voice Jun 11, 2020 Updated Jul 23, 2020 0



**B**y Byron W. Brown

Our city stands on the brink of dramatic change. When young people rejected "thoughts and prayers" and instead called for real action following mass shootings, so too does that same generation call for substantive reforms in response to racial inequality and acts of police misconduct against black and brown people.

Leaders in City Hall and the state Capitol are rising to meet that challenge with our commitment to doing the hard work of crafting sensible laws, policies and procedures acknowledging the historic injustices black communities have experienced while also acting to redress them.

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**BREAKING NEWS**  
**MAYOR BYRON BROWN** (D) BUFFALO, NY

Mayor Byron W. Brown, Shatoria Donovan, Dion Dawkins, Jerry Hughes, Myra Burden, Kcash097, Josh Norman, and others are participating in the live stream.

**zoom**



**Mayor Byron W. Brown** was live — in **Buffalo, New York**.  
August 27, 2020 · 🌐

## Buffalo Reform Agenda 8/27/2020

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**RED & BLUE** **BUFFALO MAYOR ON POLICE REFORM POLICY** **CBSN**

NEW SET OF GUIDELINES FOCUSES ON TRANSPARENCY AND DE-ESCALATION TRAINING

## LOOKING BACK AND LOOKING AHEAD

# SOCIAL RECONSTRUCTION INITIATIVES FOR ACHIEVING THE BUFFALO REFORM AGENDA

**Launched in 2015, the Opportunity Agenda is a diversity initiative that prioritizes inclusive opportunities for all residents in the City of Buffalo. This initiative includes signing on to a pledge to create those opportunities for all City residents, as well as representatives from business and industry, not-for-profit and community-based organizations.**

Through the Opportunity Agenda, business leaders and community-based organizations commit to creative solutions to challenging social issues such as food insecurity, supporting small business and access to living wage jobs. Overall, the Opportunity Agenda addresses areas where diversity and inclusion may be lacking in the City and region, and commits to making Buffalo an inclusive City for all. The Opportunity Agenda remains a priority for the City of Buffalo and a powerful tool for connecting stakeholders in the region to making real change for Buffalo's residents.

### **STAND-UP BUFFALO RENTAL ASSISTANCE PROGRAMS**

The City of Buffalo, in partnership with Buffalo Urban Renewal Agency (BURA), has committed \$17 million of its Community Development Block Grant CARES Act (CDBG-CV), Emergency Solutions Grants CARES Act (ESG-CV), Housing Opportunities for Persons with AIDS (HOPWA) and U.S. Treasury funding for rental assistance as part of our STAND-UP Buffalo programs. STAND-UP Buffalo rental assistance programs prioritize the renters most impacted by COVID-19, those who may not have received assistance from other government programs and those who are at risk for homelessness. STAND-UP Buffalo was structured to respond to the potential eviction crisis that will disproportionately impact Black and Brown communities on Buffalo's East and West sides. In addition, STAND-UP Buffalo will utilize additional funding to offer landlords and tenants fair-housing counseling to combat housing discrimination.

### **STAND-UP BUFFALO MORTGAGE ASSISTANCE PROGRAMS**

The City of Buffalo, in partnership with Buffalo Urban Renewal Agency (BURA), has committed dedicated funding to provide direct cash payments of up to

\$3,500 to qualified City of Buffalo residents in order to prevent possible foreclosure.

### **STAND-UP BUFFALO HEALTH AND SAFETY PROGRAMS**

The City of Buffalo, in partnership with Buffalo Urban Renewal Agency (BURA), will provide funding to homeowners and small-scale landlords to help repair and remove health and safety hazards from their homes and properties that are often occupied by low-income residents.

### **INCREASING THE CITY OF BUFFALO'S SPEND WITH MINORITY-OWNED COMPANIES**

The City of Buffalo is committed to increasing access to minority-owned companies to participate in City contracts. In addition to our 25% Minority Business Enterprise (MBE) utilization for sub-contractors, the City is committed to increasing the number of minority-owned companies that can act as prime contractors. Since 2018, the City has increased prime contractor spending with minority-owned companies over 300%. This year, the City will unveil a plan to increase the participation of minority-owned companies as prime contractors, further bridging the wealth divide that exists in Black and other communities of color.

### **BIAS AWARENESS PILOT PROGRAM**

The City of Buffalo has developed a three-part bias awareness program that will be piloted in the Buffalo Police Department and Buffalo Fire Department. This pilot program will take a sample from across each department, assessing racial and gender bias and openness to change. Using this data, an interdisciplinary group of scholars, led by the City's Chief Diversity Officer, will analyze this anonymized data to find areas

of growth for these Departments. This group will curate in-person sessions designed to bring awareness to existing bias while building ability of participants to identify blind spots, with the goal of making conscious decisions, especially in urgent circumstances, instead of making unconscious decisions.

## **PRIORITIZING INCLUSIVE WORK ENVIRONMENTS**

In 2019, the Buffalo Police Department graduated its first-ever gender-transitioning recruit. Throughout their training and hiring, all reasonable accommodations were made to ensure the successful graduation of this recruit. The Buffalo Police Department is committed to expanding policies that are inclusive of all, regardless of race, ethnicity, gender, gender identity and expression, and sexual orientation. The Buffalo Police Department continues to work with the office of Diversity, Opportunity, and Inclusion to update and create policies that promote inclusive work environments.

## **INCREASING DIVERSITY IN CITY GOVERNMENT HIRING**

The City continues to employ all reasonable efforts to ensure that candidate pools for open City positions, including civil service, exempt and seasonal, are diverse, and include qualified minorities, women and immigrants. Executive Order 16-06 implemented the "Rooney Rule," requiring that through reasonable efforts, at least one woman and one member of a minority group be interviewed for City of Buffalo employment positions.

## LOOKING BACK AND LOOKING AHEAD

# SOCIAL RECONSTRUCTION REFORMS IMPLEMENTED TO DATE

There is an economic component to criminal justice reform that the Buffalo Reform Agenda specifically addresses. These initiatives aim to relieve some of the compounding economic hardships that low-income residents face when they come into contact with the criminal justice system for relatively minor infractions, while also providing material, emotional or social assistance as communities cope with the traumas many have experienced as a result of poverty, racism and discrimination.

### 1. Establishing the Parking Amnesty Program.

This program waives the late fees of any ticket issued prior to June 30, 2019. According to City of Buffalo records, 56,664 tickets were eligible for this program.

As of March 2021, more than \$210,000 in late fees on 3,543 tickets have been forgiven.

### 2. Establishing the Water Bill Amnesty Program.

This program waives any late fees or interest for individuals who have had their water service turned off due to delinquent payments.

As of March 2021, more than 800 City of Buffalo residents have participated in the Water Bill Amnesty Program. The City has waived approximately \$420,000 in total fees to date, for an average savings of \$510 per rate payer. The program is in place until June 30, 2021.

### 3. Establishing the Buffalo Motorist Assistance Program (BMAP).

The Buffalo Traffic and Violations Bureau (BTVA) is committed to the fair enforcement of vehicle and traffic laws. The Buffalo Motorist Assistance Program (BMAP) allows residents who experience financial hardship to apply for a lower fine or an extended payment period. Motorists submit proof of income status based on enrollment in various benefits programs such as SNAP or HEAP to the BTVA.

### 4. Repealing 15 vehicle fines and fees that were enacted in 2018.

After careful review of the vehicle fines and fees enacted in 2018, the Buffalo Traffic and Violations Bureau (BTVA) recognized that these fines could add up to hundreds of dollars in traffic tickets. The purpose of a moving violation is to enforce traffic laws and keep the streets safe for all residents. The addition of fees could become a hardship to residents and result in further penalties. By removing these fees, the BTVA increases transparency of the cost of a ticket and increases the ability of all motorists to pay for violations without undue hardship.

### 5. Designating a portion of Fillmore Avenue, between Main Street and Seneca Street, as Black Lives Matter Way.

Resolution approved by the Buffalo Common Council on October 13, 2020.

### 6. Calling on the NFTA to rename the Utica Street Transit Station.

The station would be named after its designer, the acclaimed Black architect and Buffalo resident Robert T. Coles.

### 7. Proclaiming Juneteenth a holiday for City of Buffalo employees.

This would begin in the 2021 calendar year.

# APPENDIX A



**MEMORANDUM OF AGREEMENT BETWEEN  
THE CITY OF BUFFALO  
AND  
THE BUFFALO POLICE BENEVOLENT ASSOCIATION, INC.  
RELATING TO BODY WORN CAMERAS**

In order to facilitate the implementation of a Body-Worn Camera Program for the Buffalo Police Department, the City of Buffalo ("the City") and the Buffalo Police Benevolent Association, Inc. ("the PBA"), hereby agree to the following:

**I. Purpose**

- A. The Buffalo Police Department ("BPD") is undertaking a Body-Worn Camera ("BWC") Program. The intent of this Program is to equip the officers of the Buffalo Police Department with video and audio recording devices for the purposes of:
1. Documenting Buffalo Police interactions with the public;
  2. Capturing and maintaining records of crimes in progress for evidence in court;
  3. Documenting officer's response during the discovery of evidence, investigation into crimes, and calls for service by the public;
  4. Improving community relations and transparency;
  5. Mitigating potentially confrontational interactions between officers and the public through the presence of the BWC;
  6. Preventing and better resolving complaints made against officers; and
  7. Serving as an aid in Buffalo Police training.
- B. Through this BWC Program, the BPD and the PBA hope to foster a relationship of mutual respect between BPD officers and the communities where they serve. The BPD understands that this technology does not solve all challenges that law enforcement and the Buffalo community face, but this Program is designed to continue to build upon the trust that the BPD and PBA have worked to build within the Buffalo community.
- C. This MOA covers the recording, storing, retaining, releasing, and maintaining of data recorded by BWCs.

**II. Definitions**

- A. Agency Administrator: The Agency Administrator shall be one of the current, as of the date of the signing of this MOA, Commissioner's office exempt positions chosen by the Commissioner of Police and who has full access to, and user rights within, the BWC data storage system. He or she can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews, and act as a liaison between the BPD and the BWC manufacturer(s).
- B. Body-Worn Cameras ("BWCs"): BWCs are small video cameras typically attached to an officer's outer clothing or helmet in a manner that maximizes the camera's ability to capture video and audio data.
- C. Footage/Video/Recording: Footage, Video, and Recording are all-encompassing terms to include audio, video, images, data, and metadata recorded by BWCs.

### III. Policy and Procedures

#### A. Use of Devices by Officers

1. All uniformed police officers assigned to the "Patrol Division," "SWAT Division," "Traffic Division," and any other unit with significant interaction with the public, as well as any other unit that the Commissioner of Police designates, shall be equipped with BWCs above the midline of their torso, and in a position designed to produce an effective recording. The BWC manufacturer should recommend the optimal location for where the BWC is to be worn on an officer's uniform.
  - a. For the purpose of this agreement, the terms "uniformed police officers" or "BPD officers" shall include all members of the bargaining unit.
2. BPD officers shall only use BWCs issued to them by the BPD and shall not use any personal video recording devices during their shift.
3. All BPD officers shall be trained on the use of BWCs before being issued, or using, a BWC. This training shall be conducted and developed by the Agency Administrator with the help of the BWC manufacturer(s), and must be administered by officers of the Training Academy in conjunction with the Agency Administrator.
4. BWCs should be used with reasonable care to ensure functionality. Equipment malfunctions or missing equipment should be brought to the attention of an officer's supervisor as soon as possible. Officers shall inspect and test their BWC's functionality prior to the beginning of each shift.

5. Officers shall ensure that their assigned BWC is put into a charging unit at the end of their shift.
6. When an officer discovers that their BWC is inoperable, he or she shall exchange that inoperable unit for an operable unit as soon as possible. If there is no staff member on duty who is able to provide an operable unit in place of an inoperable unit, then the officer shall note his or her BWC's malfunction on a P-1385 form, which the officer shall then submit to their supervisor prior to the end of the officer's shift. Their supervisor shall then review such form and transmit it to the Agency Administrator.

**B. Recording Procedures**

1. Activation: BPD officers who are issued BWCs shall activate their BWCs during the following situations:
  - a. When responding to, servicing, and clearing any call for service;
  - b. When conducting any traffic stop;
  - c. When executing a search or arrest warrant;
    - i. Interviews or debriefings of individuals or suspects present during the execution of a search warrant shall be recorded until such time as the search has been completed, and the individual or witness has been separated away from the scene of the search, as well as separated from other individuals and witnesses who were present at that scene, and has indicated a desire to talk confidentially with an officer;
  - d. When conducting any other arrest or custodial stop;
  - e. When conducting investigatory activities, including any search of a person, vehicle or real property;
  - f. When engaged in a pursuit, whether on foot or in a vehicle;
  - g. When assigned to any protest, demonstration, or crowd control duties;
  - h. When engaged in any confrontational or adversarial contact with a citizen;
  - i. When requested to do so by any citizen during an encounter with said citizen; or
  - j. When in any other situation as pre-determined by the Commissioner or the Agency Administrator.
2. Deactivation: Once a BWC is activated, it should not be deactivated until the initial incident that required the BWC to be activated has been stabilized, or a supervisor has ordered that it be deactivated. An incident is stabilized when it has concluded, a victim or witness has left the scene, all persons stopped have been released, or a person arrested has been transferred to a detention facility or police station and is completely in the custody of another officer. When it is safe to do so, an officer deactivating

a BWC should record a statement indicating the reason for the deactivation before deactivating their BWC.

3. Non-Recording:

a. During any of the situations outlined in Section III(B)(1) above, an officer is not required to activate their BWC if:

- i. The officer or another person is in immediate danger and activating the BWC is unsafe;
- ii. Activating the BWC would be impractical, or would create a tactical disadvantage to the officer;
- iii. Activating the BWC would delay an officer's response to the safety needs of a citizen or fellow officer; or
- iv. The officer's BWC malfunctions.

In any of these situations, an officer shall activate the BWC at the first reasonably safe opportunity to do so, and shall explain why there was a delay in activation, while recording, if possible, and always on a P-1385.

b. Certain situations should not be recorded by BWC due to their sensitive or confidential nature. These include the following:

- i. Conversations with Confidential Informants unless they become targets of a law enforcement investigation;
- ii. Conversations with undercover officers;
- iii. Conversations with law enforcement personnel discussing tactics or strategy;
- iv. Locations where a special privacy concern exists, such as in the PBA office, rest rooms, locker rooms, places of worship, hospitals, detoxification facilities, or other medical facilities;
- v. Inside of police buildings, or when present during the non-enforcement activities of other officers unless law enforcement activities are being carried out in these areas;
- vi. Inside of police vehicle when the officers are not otherwise engaged in actions laid out in Section III(B);
- vii. Conversations with potential witnesses who ask to remain anonymous or confidential;
- viii. Conversations with a victim or witness who requests that they not be recorded;
- ix. When explosives may be present;
- x. When working with sexual assault survivors; or

- xi. When working with juvenile victims or juvenile witnesses and the juvenile witness or juvenile victim requests the officer stop recording.

b. Reporting of a Non-Recorded Situation:

- i. If an officer fails to activate their BWC, chooses to terminate a BWC recording, or experiences a malfunction of their BWC, that officer must complete a P-1385 form articulating the reason(s) why the officer failed to activate their BWC, why the BWC recording was interrupted, why the BWC recording was terminated, or explaining the malfunction of their BWC, unless the officer has stated the reason for any of the above on camera.
- ii. This P-1385 form must be filled out prior to the end of the officer's shift and submitted to their supervisor. Their supervisor shall then review all such P-1385 forms and forward them to the Agency Administrator.

C. Download Procedures

- 1. Every officer issued a BWC will follow the download procedures created and published by the Agency Administrator at the end of every shift. If the data is not downloaded, the officer who failed to download it must provide an explanation for their failure to do so on a P-1385 form.
- 2. All BWC data relating to a criminal incident shall be treated as evidence and will be handled pursuant to procedures created and published by the Agency Administrator.
- 3. An officer may request that recordings of an incident be retained for a longer period of time than that called for by the procedures created and published by the Agency Administrator by submitting a request to the Agency Administrator in a P-1385 form. The Agency Administrator is authorized to approve or deny such a request for longer retention; approved requests shall result in the retention of the recordings for a period of five (5) years from the date of the incident, as per Section IV (E), below.
- 4. All data recorded by a BWC is the property of the BPD. Officers may not copy, publish, share, or disseminate any audio, video, image, data, or metadata to anyone.
- 5. Neither officers nor the PBA President or his/her designee shall have access to edit, delete, or alter any video or audio recorded by a BWC. Logs of any attempt to view, edit, delete, or alter any recording(s) shall be



kept and maintained by the Agency Administrator and shall be available to the PBA President upon request.

IV. BWC Video Retention

- A. BWC recordings shall be retained by the BPD or an authorized agent thereof pursuant to the terms and conditions set forth by the Agency Administrator for at least six (6) months from the making thereof.
- B. If a BWC recording is determined to be evidentiary in nature by the Agency Administrator, Commissioner, or a BPD officer in a criminal matter, or is deemed to be evidentiary in a civil matter by the Law Department or the Agency Administrator, or is needed in the grievance, Injured on Duty, or discipline procedure of the Collective Bargaining Agreement or subsequent MOAs, and is needed to be kept for longer than six (6) months, that file shall be retained until either the prosecutorial authority or the Law Department authorizes the removal of that recording from the BPD storage system by the Agency Administrator.
- C. A recording that relates to an Internal Affairs Division investigation, an investigation or inquiry from a federal, state, or local agency with investigative or prosecutorial authority, including federal, state, and local courts, or a recording that has the potential to be the subject of future litigation, or is the subject of a litigation hold order, shall be retained indefinitely. At the conclusion of the investigation or litigation to which it is related, such recording may be removed from the BPD storage system by the Agency Administrator, except where a request to preserve is made pursuant to this MOA.
- D. Notwithstanding the provisions of Section IV (B) or (C), above, concerning the removal of recordings related to an Internal Affairs Division investigation upon its conclusion, any recording which is the subject of a civilian complaint to the Internal Affairs Division shall be kept for up to six (6) months following the resolution of that complaint, or for five (5) years, whichever is longer.
- E. Any BWC recording requested to be kept by an officer shall be kept for five (5) years from the date of the incident.
- F. Any video that relates to a Blue Team Report shall be kept for up to five (5) years from the date of the incident.

V. BWC Access

- A. Permitted Review of BWC Recordings
  - 1. Officers shall be permitted to review only the footage of an incident in which they were involved, and only for the purposes of:

- a. Conducting a criminal investigation;
  - b. Preparing for courtroom testimony or a conference with the City of Buffalo Law Department, the Erie County District Attorney's Office, the New York State Attorney General's Office, or the U.S. Attorney's Office;
  - c. Providing testimony pursuant to an administrative inquiry; or
  - d. Providing testimony pursuant to an Internal Affairs Division investigation.
2. In addition to the permitted access listed above, supervisors may also review recordings as they pertain to:
    - a. Investigating reports of alleged misconduct when directed to do so by Internal Affairs, or of meritorious conduct;
    - b. The preparation of Blue Team Reports; or
    - c. The use of the recordings as a training tool for officers based on observations that occurred during an arrest or other permitted review of the recording.
  3. The City of Buffalo Law Department or counsel retained by the Law Department and federal, state, or local agencies with prosecutorial power shall be permitted to review BWC footage as it pertains to a criminal investigation, police discipline or grievances, Injured on Duty Claims, or ongoing or potential civil litigation.
  4. The President of the PBA or his/her designee shall be provided with access to the BWC storage system for the purpose of reviewing BWC footage of PBA members.

**B. Non-Permitted Use of BWC Recordings**

1. Officers are prohibited from copying, or releasing body camera footage unless given express written consent to do so by the Commissioner or the Agency Administrator.
2. No BWC footage shall be reviewed by anyone except as permitted in this MOA.
3. No BPD officer, employee, or agent shall be subjected to any discipline based upon a recording made in violation of the terms of this MOA.

**C. Public Disclosure of Data**

1. Any and all disclosure of BWC recordings or data must be consistent with existing record release policies and applicable statutes. All requests for data must be sent to the BPD's FOIL Officer.

2. When BWC recordings or data are disseminated outside of the BPD, the reason and identity of the authorized requesting person or agency and the rationale utilized for determining why the recordings or data is, or is not released, shall be documented by the Commissioner.
3. The Commissioner has the discretion to release a video when he deems appropriate. The Commissioner shall notify the PBA President and/or the officers involved in the footage that he intends to release said footage prior to the release of the footage, when practicable.
4. Civilians shall be allowed to review any recordings consistent with appropriate FOIL request procedures, and the recordings shall be made available for internal review of a complainant in compliance with existing FOIL rules and regulations.
5. Civilians, or civilians accompanied by their legal representatives, who are the subject of a recording will have the right to review the footage unless it is a part of an ongoing criminal or Internal Affairs Division investigation or proceeding. These recordings shall be made available for internal review of a complainant in compliance with existing FOIL rules and regulations.
6. Notwithstanding any of the above restrictions concerning the release of BWC recordings or data, the President of the PBA shall have the right to disclose and disseminate BWC recordings or data relating to meritorious conduct on the part of PBA members, upon written request to the Commissioner and approval of the Commissioner. The Commissioner's approval shall be in writing within ten (10) days of the initial request and shall not be unreasonably withheld. In the event the Commissioner denies such request, it must be documented in writing and given to the President of the PBA.

VI. Agency Administrator Responsibilities

- A. The Agency Administrator shall ensure that all officers are trained in the use of the BWC system and equipment prior to it being issued to officers. The Agency Administrator shall, with the help of the BWC manufacturer(s), develop mandatory training for all officers in accordance with this MOA, which training shall be administered by officers of the Training Academy in conjunction with the Agency Administrator. The Agency Administrator shall also create and provide officers with additional training as it becomes necessary and that training shall also be administered by officers of the Training Academy in conjunction with the Agency Administrator.

- B. The Agency Administrator shall ensure that the BWC equipment is functional and properly utilized by officers.
- C. The Agency Administrator shall provide administrative support with regard to the BWC system, and shall be the contact person for any communication with external companies or services that relate to the BWC Program.
- D. The Agency Administrator shall create a system to handle requests for recordings by the City of Buffalo Law Department or the federal, state, or local agencies or courts.
- E. The Agency Administrator shall provide technical support for malfunctioning BWC equipment, and shall facilitate all BWC equipment repairs with the manufacturer or BWC vendor.
- F. The Agency Administrator shall ensure compliance with, and enforcement of, all aspects of this MOA.

VII. Enforcement

- A. If any BPD officer, employee, or agent fails to comply with the requirements of this MOA or intentionally interferes with a BWC's ability to accurately record an incident, appropriate disciplinary action may be taken against the officer, employee, or agent in accordance with BPD guidelines and disciplinary procedures, unless exigent circumstances made compliance impossible, unsafe, or impractical.
- B. BWC footage recorded in contravention of this MOA or any other applicable law shall be immediately destroyed. The BPD and its officers shall not seek to introduce improperly recorded BWC footage as evidence in any legal or administrative proceeding against a civilian.
- C. Nothing in this MOA should be read to contravene any laws governing the maintenance and destruction of evidence in criminal investigations, criminal prosecutions, civil proceedings, or administrative proceedings.
- D. Any disciplinary action(s) taken against any member(s) of the PBA or that is currently pending based solely upon their operation, or lack of operation, of a BWC prior to the date this MOA is signed by all parties shall be deemed a nullity, and shall be removed from the member(s)' Internal Affairs Division "Disciplinary Card" for any and all purposes. Notwithstanding the aforementioned, BWC footage obtained prior to the signing of this MOA shall continue to be usable in other types of disciplinary actions initiated prior to the signing of this MOA. Any PBA member(s)' who were suspended as a result of any such disciplinary action(s) shall have their suspended time restored. Specifically, the disciplinary charges attached in Attachment A shall be dismissed.

- E. Any grievances, Charges pending with the Public Employee Relations Board, or litigation that is pending relating to the operation or use of BWCs, prior to the date that this MOA is signed shall be deemed a nullity, and shall be withdrawn by the PBA with prejudice. Specifically, the grievances and IP charges listed in Attachment B shall be withdrawn with prejudice.

#### VIII. Officer Protections

- A. **Prohibition Against Random Auditing.** The City, BPD, and its agents may not review BWC footage randomly for the purpose of discovering policy violations or reviewing individual officer performance outside of what is permitted in this or subsequent agreements. Other than periodic supervisory reviews to ensure that equipment is functioning properly or for any other reason articulated in this MOA, the scope of the review of BWC footage shall be limited to specific complaints against officers, review of Blue Team reports, or any other permitted review of the footage as laid out in this MOA. Inadvertent discovery of any other allegations shall require the supervisor to articulate the purpose of expanding the scope in writing to the Agency Administrator, the Inspector of Internal Affairs, and the PBA President, and shall require the supervisor to explain the initial scope of their review. It shall be a violation of this policy for a supervisor to review BWC footage for reasons outside of this policy and may lead to departmental charges.
- B. **Signed Statements.** The City, through its Internal Affairs Division, shall make every reasonable effort to obtain a statement signed under penalty of perjury from all complainants relating to officer misconduct. Failure of a complainant to appear to make a statement, or refusal to sign, shall be noted in the Internal Affairs Division file and shall be considered by the Commissioner when considering appropriate punishment for the officer.
- C. **False and/or Baseless Complaints.** In the event that a complaint is made, which is accompanied by a statement signed under penalty of perjury, and is provably false and without merit based upon a review of the relevant BWC footage and all other relevant facts, the Internal Affairs Division shall refer the case to the Erie County District Attorney's office for criminal prosecution. The PBA President shall also be notified of the provably false complaint.
- D. **No BPD officer shall face departmental disciplinary proceedings if, after the Internal Affairs Division reviews a file, determines that the complaint was not demonstrably false, and/or decides not to refer it to the Erie County District Attorney's Office for prosecution, the officer refers the case to the Erie County District Attorney's Office for criminal prosecution while off duty. An officer may also have a referral to the Erie County District Attorney's Office for criminal prosecution made through their counsel.**



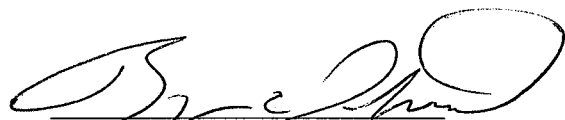
- E. Discipline Cards. The City agrees, within six (6) months of the signing of this agreement, to amend its discipline card to include a section that explains the reasons a case was closed, including identifying false complaints, unsubstantiated complaints, complaints where the complainant refused to cooperate or was unable to be found, and other scenarios that may lead to the closing of a case.
- F. In assessing events involving members that are recorded in whole or part by a BWC, the City will not rely solely on BWC recordings, but will utilize all available evidence and information, including an officer's perceptions and recollections, which are not captured by the video.

#### IX. SWAT Team

- A. The following provision shall also apply to SWAT personnel:
  - 1. SWAT Officers assigned to an entry team will be equipped with a BWC prior to their deployment to an active scene.
  - 2. All SWAT Officers who are assigned to and will take part in an entry of a premises, whether forcible or not, will have their BWC activated prior to entering the premises and shall have their BWC recording the entire event of the entry and search for occupants.
  - 3. SWAT Officers who are engaged in any tactical breaching activity including the firing of tear gas, pepperball, less lethal ammo, etc. into the premises of a subject, shall activate and record the event with their BWC.
  - 4. Once the SWAT Officers have secured the premises and the scene is being turned over to other police personnel, the SWAT Commander shall issue an order to deactivate the BWC's. No further recording is required at that time.

FOR THE CITY OF BUFFALO  
DEPARTMENT OF POLICE

9/11/20  
Date



Byron C. Lockwood,  
Commissioner of Police,  
City of Buffalo

FOR THE BUFFALO POLICE  
BENEVOLENT ASSOCIATION

9/11/20  
Date



John Evans  
President, Buffalo Police  
Benevolent Association, Inc.

FOR BUFFALO POLICE BENEVOLENT  
ASSOCIATION, INC.

9/11/20  
Date

Date



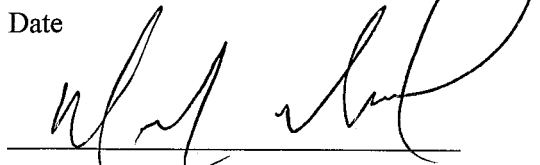
Kristin Russo

1<sup>st</sup> Vice President

FOR BUFFALO POLICE BENEVOLENT  
ASSOCIATION, INC.

9/11/20  
Date

Date

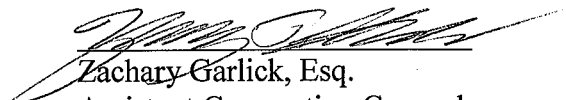


Mark Goodspeed


2<sup>nd</sup> Vice President

APPROVED AS TO FORM ONLY:

9/11/20  
Date

  
Zachary Garlick, Esq.  
Assistant Corporation Counsel  
Law Department,  
City of Buffalo

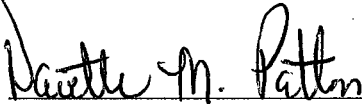
9-11-2020  
Date

  
Daniel M. Killelea, Esq.  
Gilmour & Killelea, LLP  
Counsel to the Buffalo PBA, Inc.

ACKNOWLEDGMENTS

State of New York)  
County of Erie ) ss

On 11<sup>th</sup> day of Sept. in the year 2020, before me the undersigned, personally appeared Byron C. Lockwood, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he/she acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



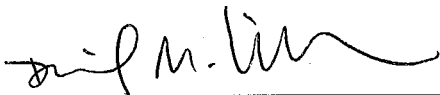
Notary Public/Commissioner of Deeds

DAVETTE M. PATTON  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 3/22/24

\*\*\*\*\*

State of New York)  
County of Erie ) ss

On 11<sup>th</sup> day of SEPTEMBER in the year 2020, before me the undersigned, personally appeared JOHN EVANS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he/she acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public/Commissioner of Deeds

DANIEL M. KILLELEA  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Oct. 1, 2023

State of New York)      ss  
County of Erie    )

On 11<sup>th</sup> day of SEPTEMBER in the year 2020, before me the undersigned, personally appeared KRISTIN RUSSO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he/she acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public/Commissioner of Deeds

DANIEL M. KILLELEA  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Oct. 1, 2023

\*\*\*\*\*

State of New York)      ss  
County of Erie    )

On 11<sup>th</sup> day of SEPTEMBER in the year 2020, before me the undersigned, personally appeared MARK GOODSPEED, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he/she acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public/Commissioner of Deeds

DANIEL M. KILLELEA  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Oct. 1, 2023



# APPENDIX B

BY: Councilmember Pridgen

LOCAL LAW NO. (2020)

INTRODUCTORY NO. (2020)

A LOCAL LAW Amending the City Of Buffalo Charter in relation to the Department of Police

Be it enacted by the Common Council of the City Of Buffalo as follows:

**Section 1**, that Article XIII, of the Charter of the City Of Buffalo, adopted pursuant to law is hereby amended to read as follows:

**Section 2.** This local law shall be known as the “Cariol’s Law; The Duty to Intervene.”

**Section 3.** Legislative Intent and Purpose.

Whereas, police officers have a duty to protect and serve all members of the community and to uphold and abide by the law; and

Whereas, to protect the integrity of the Police Department at large and to build trust in the community, law enforcement officers must hold each other accountable to act within the bounds of the law and within strict standards regarding use of force; and

Whereas, the nation has witnessed the failure of some law enforcement officers to utilize a reasonable amount of force which has resulted in tragic deaths such as that of George Floyd in Minneapolis most recently; and

Whereas, in the circumstances of George Floyd’s death, four officers were present and none of these officers intervened in the misuse of force applied by fellow officers to save the life of Mr. Floyd; and

Whereas within the City of Buffalo, several instances of police alleged misusing force has resulted in costly lawsuits, criminal convictions of officers and widespread mistrust of law enforcement within some communities. Whereas, in 2006, Police Officer Cariol Horne intervened to save a civilian from being harmed by a fellow police officer and had her employment terminated; Now Therefore Be it Resolve that the City of Buffalo codifies the Duty to Intervene; Cariol’s law.

In light of these recent incidents of excessive use of force by police officers in America, the Common Council and the City of Buffalo codifies the “Duty to Intervene, Cariol’s Law,” to prevent police misconduct caused by deliberate indifference to a substantial risk of harm to persons in their custody. The duty to intervene as an affirmative policy will provide protection for police officers against retaliation from their superiors and ultimately, will protect the public from excessive use of force that can results in death, or serious bodily injuries at the hands of police officers. It is imperative that any police officer witnessing such actions be empowered to intervene.

The ability for an officer to intervene in such circumstances should take into account whether there is a realistic opportunity to prevent harm and protect the life and value of the individual at the hands of another police officer.

**§ 13-21 Definitions.**

- A. **Duty to intervene**—any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intervene to prevent the use of that unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. **Police Officers**—any sworn police officer of the Buffalo Police Department pursuant to Criminal Procedure Law 1.20 § 34, regardless of rank, who is responsible for preserving the safety and quality of life of the community they serve.
- C. **Use of force**—using only that amount of physical force that is objectively reasonable to achieve a legitimate law enforcement purpose, including but not limited to protecting a person from the imminent use of physical force, effecting an arrest or preventing an escape from custody. Any use of force must be consistent with Article 35 of the New York State Penal Law.
  - i. Physical force shall only be used when no other viable option is available.
  - ii. The use of force must be reasonable and can never be reckless.
  - iii. During an encounter in which force has become necessary, the level of resistance or aggression displayed by the subject may vary at different points in the encounter. The level of force used by the Officer shall be adjusted to changes in the suspect's level of resistance or aggression.
  - iv. Members are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other reason.
- D. **Objectively Reasonable** – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used. □
- E. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
- F. **Physical Injury** – Impairment of physical condition or substantial pain.
- G. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. □

### **§ 13-21. 1 Protections for Officers.**

Any on-duty police officer who observes another officer using inappropriate or unnecessary excessive force against a civilian and intervenes to protect the Constitutional and Civil Rights of the victim, shall not be unlawfully retaliated against by any employee, officer, director or agent of the City of Buffalo or the Commissioner of Police. Retaliation against officers or Good Samaritans who intervene to prevent objectively unnecessary police use of force may be grounds for termination of employment. Prohibited actions shall include, but not be limited to:

- i. Termination or layoff
- ii. Demotion of officer
- iii. Denial of overtime or promotion
- iv. Discipline of officer
- v. Denial of benefits
- vi. Failure to hire or rehire
- vii. Intimidation or harassment
- viii. Making threats
- ix. Reassignment

### **§ 13-21. 2 Internal Investigation.**

- A. Police Officers who fail to intervene in situations where an objectively reasonable officer would determine that excessive physical force is unnecessary or is being inappropriately applied, may be held criminally liable for any Penal Law offense under which the failure to intervene satisfies all of the elements of the offense.
- B. An officer who fails to intervene while a fellow officer violates a victim's Constitutional rights may be disciplined internally for failure to intervene to stop the Constitutional violation if he (1) had a reasonable opportunity to intervene to prevent the harm from occurring and did not, (2) the actions complained of was committed by an officer acting under color of state law' and (3) deprived a person of rights, privileges, or immunities secured by the Constitution or laws of the United States.
- C. An officer who had a reasonable opportunity to intervene but did not, may be found to be in dereliction of his/her duty to intervene pursuant to section 13-21(a) and asked to reimburse the City for any civil judgements rendered by a court of law for his actions where that officer observes or has reason to know:
  - (i) that excessive force is being used;
  - (ii) that a citizen has been unjustifiably arrested; or
  - (iii) that any constitutional violation has been committed by a fellow officer.
- D. The Commissioner shall cause to be examined any allegations of an officer's failure to intervene by authorized agents appointed to carry out such investigation, it shall not be

uncommon for said officer to be placed on administrative leave during the period of investigation.

- E. Whenever an officer fails to intervenes in an incident resulting in death or serious bodily injury, said incident shall be referred to the Office of the District Attorney (DA). Charges may be brought against the offending officer as well as supervisory officers who observed use of excessive force without stopping them, or who actively encouraged use of excessive force while not directly participating in it.
- F. Police officers who falsify reports of inappropriate or excessive use of force by a fellow officer may be criminally charged with filing a false report, pursuant to Penal Law § 240.60.

### **§ 13-21. 3 Policies Regarding Officers Found Guilty For Use of Excessive Force.**

- A. Any Police Officer who is convicted of any of the criminal charges detailed in this law in a competent court of law, will be terminated upon conviction. Any police officer who is convicted of any other criminal charges stemming from failure to intervene, such as assault conviction, may be terminated. Any police officer who is found civilly liable for objectionable unreasonable use of force, outside the scope of their duty, is liable to the party aggrieved for the damages sustained by him, in addition to any other punishment or proceeding authorized by law, including but not limited to any punitive judgments awarded against the City pursuant to the theory of vicarious liability by a competent court of law.
- B. No officer, pursuant to Public Officer Law §3 shall be capable of holding a civil office who shall stand convicted of a felony defined in article 200, or 496 or § 195.20 of the Penal Law .
- C. Any police officer pursuant to Public Officer Law §3 who stands convicted of a misdemeanor defined in article 200, or 496 or section 195.00 of the Penal Law may not hold civil office for a period of five years from the date of conviction, provided that in the event such conviction is the result of a plea agreement resulting in a plea to such charge in lieu of a plea or conviction of a felony defined in section 195.20, article 200 or article 496 of the Penal Law , all parties to such agreement may agree that the period of such bar may be for a period of up to ten years from the date of conviction.

### **§ 13-21. 4 Policies Regarding Reporting.**

Any police officer that observes another officer in the act of applying excessive force to effectuate a stop, seizure, or an incidental arrest, has an affirmative duty to intervene pursuant to §13-21(a) and to make a formal report with their department head. Reporting requirements shall apply whether the use of force occurred while the offending officer was on or off-duty. All involved and witnessing officers shall prepare a Use of Force Report in accordance with the City of Buffalo Police Department Use of Force Protocol. Failure to report shall be grounds for discipline up to and including termination, if it is determined that the actions of the officer violated the public trust or breached a duty. Any final disciplinary action is subject to review pursuant to CPLR Article 75.



**§ 13-21. 5 Retroactive Protection for Officers.**

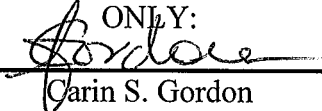
Any police officer found to have been terminated for reporting the objectively unreasonable use of force against a civilian or intervening to stop the use of objectively unreasonable force by a fellow officer within the twenty year period preceding the adoption of this law, may have said finding reviewed by a court with competent jurisdiction.

**Section 4:** This Local Law shall take effect immediately upon its filing with the New York Secretary of State.

**Section 5:** This Local Law is not subject to mandatory referendum because the subject matter is not enumerated in the Municipal Home Rule Law as a category requiring a referendum.

APPROVED AS TO FORM

ONLY:



Carin S. Gordon  
ASSISTANT CORPORATION  
COUNSEL

NOTE: Matter underlined is new, matter in brackets is to be deleted

# APPENDIX C

## APPENDIX B

### NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

**Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at E0203Certification@budget.ny.gov.**

I, Byron W. Brown, as the Chief Executive of Buffalo, New York  
(the "Local Government"), hereby certify the following pursuant to Executive  
Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- ☒ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- ☒ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- ☒ The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- ☒ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- ☒ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Byron W. Brown  
Name

Byron W. Brown  
Signature

Mayor, City of Buffalo  
Title

3/31/2021  
Date

**CITY CLERK'S OFFICE**  
**CITY HALL**  
BUFFALO  
March 31, 2021

To Whom It May Concern:

I hereby Certify, that at a Session of the Common Council of the City of Buffalo, held via videoconference, on The 30<sup>th</sup> day of March, 2021. The attached Resolution was Adopted of which the following is a true copy.

**No. 21-429**  
**Rivera – Buffalo Police Reform Agenda**

ATTEST *Tiana M. Mark*  
City Clerk





**The City of Buffalo Common Council**

1413 City Hall  
Buffalo, NY 14202

Meeting: 03/30/21 02:00 PM

Department: Common Council

Category: Resolution

Prepared By: Malcolm Aaron Ertha

Initiator: Malcolm Aaron Ertha

Sponsors: Majority Leader, Niagara Dist. Council Member David A. Rivera

**ADOPTED**

**AGENDA ITEM 21-429**

DOC ID: 13947

## **Rivera - Buffalo Police Reform Agenda**

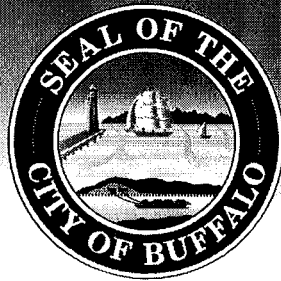
Submitted for the approval of this honorable body, please see the attached resolution.

**ATTACHMENTS:**

- BuffaloReformAgenda-PoliceCommission - Rivera (PDF)

<b>RESULT:</b>	<b>ADOPTED [6 TO 3]</b>
<b>MOVER:</b>	Ulysees O. Wingo Sr, Masten District Council Member
<b>SECONDER:</b>	Joseph Golombek Jr, North District Council Member
<b>AYES:</b>	Feroletto, Golombek Jr, Nowakowski, Rivera, Scanlon, Wingo Sr
<b>NAYS:</b>	Bryan J. Bollman, Darius G. Pridgen, Rasheed N.C. Wyatt





# RESOLUTION

By: Niagara District Council Member and Majority Leader David Rivera

Re: New York State Police Reform and Reinvention Collaborative

**WHEREAS**, much of the country was shocked and appalled by the deaths of George Floyd in Minneapolis, Minnesota, Breonna Taylor in Louisville, Kentucky, and the Black and other people of color who have been killed or injured by police; and

**WHEREAS**, despite the current COVID-19 pandemic, citizens throughout the country, including many residents of the City of Buffalo, protested the deaths of people of color at the hands of police officers, and have demanded systemic reforms in communities across the country; and

**WHEREAS**, the City of Buffalo officials acted immediately after the death of George Floyd, meeting with members of the community, implementing several executive orders which prohibited chokeholds, increased police training, banned no-knock warrants, provided for the issuance of stop receipts, and reserved custodial arrests for only the most serious crimes, among other reforms; and

**WHEREAS**, the City now requires an officer who witnesses another officer not following proper departmental procedure to intervene under the recently passed duty to intervene law. The law also provides protections for officers who report policy and procedure violations of a fellow officer; and

**WHEREAS**, the City also repealed various fees and fines imposed for various traffic infractions, while also instituting a Parking Amnesty program; and

**WHEREAS**, after the City implemented many of its reforms, Governor Andrew Cuomo established, through Executive Order 203, the New York State Police Reform and Reinvention Collaborative; and

**WHEREAS**, pursuant to Executive Order 203, Mayor Byron W. Brown created a Commission to Recommend Police Policy and Advance Social Reconstruction, consisting of representatives from various community groups, interested stakeholders, and members of the Buffalo Common Council; and

**WHEREAS**, the Commission met over the course of several months, and discussed various ideas on reforming the Buffalo Police Department and creating a more equitable, inclusive, and just City of Buffalo for every resident; and

**WHEREAS**, the recommendations from the Commission were presented to the Mayor and have been posted on the City of Buffalo website for public review; and

**WHEREAS**, the City of Buffalo remains committed to comprehensive Police Reform and the ideals of advancing social reconstruction to build a more equitable, inclusive and just Buffalo for every resident; and

**NOW, THEREFORE BE IT RESOLVED THAT:**

- (1) The City of Buffalo continues to be committed to sensitive Police Reform and improving the lives of the residents of the City of Buffalo.
- (2) The City of Buffalo commits to the expansion of the Buffalo Reform Agenda, which is a living document that will change with time to suit the needs of the residents of the City of Buffalo, especially those who are underserved and under-represented.
- (3) The Buffalo Police Department will ensure all police officers are compliant with current policies and practices. The Buffalo Police Department will send regular communication to all police officers reinforcing compliance with policies such as the duty to intervene, ban on chokeholds and carotid holds, the utilization of the Behavioral Health Team, de-escalation techniques, and community engagement priorities.
- (4) The City will include, in any collective bargaining agreement negotiation with the Buffalo Police Benevolent Association, a proposal requiring career residency for all new Buffalo Police recruits. In 2015 the City successfully negotiated the first-ever contractual residency requirement and will continue to negotiate for a career residency requirement for all newly hired officers. A residency requirement would require the police to live in the communities they serve, allowing officers to build relationships with community members. This would also ensure that police recruits come directly from the community they serve.
- (5) The City will also include in any collective bargaining agreement negotiation with the Buffalo Police Benevolent Association a performance evaluation program for Buffalo Police Officers.
- (6) The City shall solicit community input regarding proposals during collective bargaining negotiations with the Buffalo Police Benevolent Association. This will ensure that the community is represented during the collective bargaining process.
- (7) The Commission on Citizen Rights and Community Relations will be utilized to empower residents and provide oversight of police interactions in the community. The Commission on Citizen Rights and Community Relations will undergo a community planning process that engages all neighborhoods, especially neighborhoods with the most police presence, to enhance and improve police/community interactions. The community planning process will review the composition of the Commission and make recommendations about amending members; provide an analysis of current powers and recommended powers; demonstrate

the necessary tools to improve communications between police and the community; and determine if current State statutory authority allows for oversight of police by its members. The Commission on Citizen Rights and Community Relations will provide a survey on its website and for City of Buffalo residents to complete any time they have an interaction with Buffalo Police Officers. This survey will compile positive and constructive feedback on police/community relations. This survey will also be distributed during Clean Sweeps, ensuring everyone has access to the survey. This information will be used to understand what, if any, differences in police interactions there are between neighborhoods. The Commission will be able to identify neighborhoods that receive disparate treatment and officers that receive multiple complaints. The Commissioner of the Buffalo Police Department will receive bi-annual reports from the Commission, or more as requested, which will be made public on the City of Buffalo's Open Data Portal.

- (8) The City of Buffalo is committed to implementing Law Enforcement Assisted Diversion (LEAD) as a pilot program in B District. LEAD responds to low-level offenses, such as drug possession, sales, and prostitution, to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs.
- (9) School Resource Officers—Working with Buffalo Public Schools and the community, the Buffalo Police Department will ensure that the School Resource Officer Program serves the needs of the community, the students, parents, and guardians in those schools. The School Resource Officers will reflect the Community Police Officer program—officers will build relationships with students, parents, and guardians to serve as guides and mentors. This will not increase the presence of police officers in schools.
- (10) Data Transparency. Working with the Buffalo Common Council, Mayor Brown secured a partnership with SAS, a data analytics software and solutions company. With SAS's state-of-the-art analytics, the Buffalo Police Department is well-situated to become one of the most data-driven and transparent police departments in the nation. Publicly accessible reports on the metrics regarding the implementation of the reform initiatives will also be generated. To ensure accountability and transparency, the City of Buffalo is committed to joining the Police Data Initiative (PDI) for ease of access to this data.

PDI is a law enforcement community of practice that includes leading law enforcement agencies, technologists, and researchers committed to engaging their communities in a partnership to improve public safety that is built on a foundation of trust, accountability, and innovation. PDI represents the great work and leadership of more than 130 law enforcement agencies that have released more than 200 datasets to date, and originated as a result of several recommendations in the Task Force on 21st Century Policing that focused on technology and transparency. The agencies participating in this community of practice have chosen to release their data to the public, therefore anyone can collect the data. However, it is important to note that neither this initiative, the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office), nor the Police Foundation are collecting this data at the national level. The PDI website only provides an index to these agency's webpages where the data can be downloaded by the public.

The Buffalo Police Department will also issue a Departmental Report to the Community and an Internal Affairs Report to the Community, annually.

- (11) Increased community interactions. Effective immediately, the Buffalo Police Department will reinstate monthly District meetings, publicly. Additionally, the Commissioner will reinstate the Taking it to the Streets mobile command, and executive command staff will respond and assist patrol officers once, monthly. All public activities will be in accordance with social distance and COVID-19 protocols.
- (12) The Buffalo Police Department's management and community police officers will be required to participate in restorative justice training.
- (13) The Buffalo Police Department will utilize specially trained personnel who will provide information and support to families of homicide victims.
- (14) The City of Buffalo will create two new positions to work with specific constituencies that are often the targets of criminal acts and whose targeting is often underreported: (a) a LGBTQ community liaison and (b) a New Americans community liaison.
- (15) The City of Buffalo Department of Public Works, in conjunction with the Buffalo Police Department, shall undertake a comprehensive study of Community Policing Through Environmental Design (CPTED) design principles and develop a set of recommendations for their implementation in appropriate communities throughout the City of Buffalo.
- (16) The Buffalo Police Department will work with the Division of Citizen Services and other relevant partners to expand the Police And Community Together (PACT), Citizen's Police Academy, program's availability for the purpose of increasing the community's involvement and understanding of the Department's officer education and training programs.
- (17) In accordance with comments received by the City of Buffalo from the New York State Office of the Attorney General in relation to the preliminary draft of this resolution, the following changes are recommended for the Department's Use of Force Manual:

**Duty to preserve human life as an active and primary one**

The current Buffalo Police Department Use of Force policy is written so that it recognizes "the value of human life and dignity without prejudice to anyone." The recognition of human life and dignity is less than an active duty to preserve that life under the circumstances which officers may face. This subtle but important change in prioritization will ensure that every officers' first duty, and therefore actions, are geared towards preserving the life of every person they encounter in the performance of their duties within the parameters of ensuring the safety of other residents and themselves. The City is committing to make this change in its Use of Force Policy and then training each officer in its meaning and practice.

**Active duty to de-escalate**

As part of the Department's commitment to make the preservation of life and active and primary one, the Use of Force policy must be updated to reflect this principle in its commitment to have officers' practice an active duty to deescalate the situation. Currently, the Use of Force policy prescribes that officers "should" attempt a variety of de-escalation techniques before an increasingly higher level of force is employed. Making de-escalation an active duty requires the responding officers to constantly and continuously view the entire incident as an opportunity

to employ a non-physical or forceful way to defuse a situation as it evolves. In this scenario, force of any type, becomes a last resort and not something on a continuum of techniques to ensure compliance and protect the public or the officers on scene.

**Clearly define “necessity” and “proportionality” in the Use of Force policy**

By making a de-escalation an active duty, the Use of Force policy must also be amended to include clear definitions of “necessity” and “proportionality.” A shared and updated understanding of these two terms is critical to the implementation of the previous two recommended changes. Officers’ understanding of “necessity” must reflect the commitment to the preservation of all life as well as the need to constantly reassess every situation to find an opportunity to de-escalate. “Proportionality” takes on a new meaning when officers are no longer thinking of force as a continuum and instead as a last resort. For the protection of the officers and the community these terms must be explicitly defined in the Use of Force policy and communicated on a regular and ongoing basis to residents through community policing activities and other public engagement opportunities.

- (18) The City of Buffalo will request the State Legislature to review civil service procedures and Law in order to give municipalities more flexibility in the hiring process in order to achieve higher degrees of diversity.
- (19) The City supports proposed changes in, and additions to, State Law that reverse and repair systemic injustices to overpoliced communities and communities of color. The City will work with the local State Delegation to pass the following proposed State bills:
  - a. A.2359: Amending the Civil Service Law to establish a racial equity, social justice, and implicit bias training program for all civil service employees.
  - b. A.2358/S.3468: Establish an office of Racial Equity and Social Justice for the State of New York.
  - c. A.2277/S.2836: Humane Alternatives to Long-Term Solitary Confinement (HALT) limits the time an inmate can spend in segregated confinement, ends the segregated confinement of vulnerable people, restricts the criteria that can result in such confinement, improves the conditions of confinement, and creates more humane and effective alternatives to such confinement.
  - d. S.15/A.3475: Parole eligibility for certain inmates age fifty-five. This bill permits the Board of Parole to evaluate all inmates over the age of 55 who have served at least 15 years in prison for possible parole release.

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FEROLETO	*	X	*
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GOLOMBEK	*	X	*
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NOWAKOWSKI	*	X	*
	*	*	*
PRIDGEN	*	*	X
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RIVERA	*	X	*
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SCANLON	*	X	*
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WINGO	*	X	*
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WYATT	*	*	X
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# APPENDIX D

# CCRCR CONTACTS

## 1. The Commission on Citizen's Rights and Community Relations

Jason Whitaker  
Executive Director  
Call (716) 851-8000  
jwhitaker@city-buffalo.com

## 2. City of Buffalo Division of Citizen Services

65 Niagara Square  
Buffalo, NY 14202  
(716) 851-4890

## 3. Buffalo Police Office of Internal Affairs

68 Court Street  
Buffalo, NY 14202  
(716) 851-4557

## 4. The Police District stations and request to speak with a supervisor:

### A-District

1847 South Park Avenue  
(716) 851-4415  
Chief: Robert Joyce  
Captains: Edwin Garriss and Jeremy Connolly

### B-District

695 Main Street  
(716) 851-4403  
Chief: Dawn Kent  
Captain: Scott Blesy

### C-District

693 East Ferry Street  
Buffalo, NY 14211  
(716) 851-4412  
Chief: Alphonso Wright  
Captain: Joseph Langdon

### D-District

669 Hertel Ave  
Buffalo, NY 14207  
(716) 851-4413  
Chief: Joseph Fahey  
Captains: Robert Lee and Lashondra Roach

### E-District

2767 Bailey Avenue 14215  
(716) 851-4416  
Chief: Carmen Menza  
Captains: Melinda Jones and Patrick Overdorf

## 5. File report online

Contact: [www.bpdny.org/BPD/report](http://www.bpdny.org/BPD/report)

## 6. Write a letter to the Commissioner of Police at Police Headquarters:

68 Court Street  
Buffalo, NY 14202

